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ABSTRACT

The U.S. House of Representatives and Senate issued a conference report on the Goals 2000: Educate America Act. The act is designed to improve learning and teaching by providing a national framework for educational reform and to promote other changes in education and federal programs. The conference committee agreed that this report replaced an earlier amendment proposed by the House to a Senate amendment. The first section of this report includes a short title and table of contents. The report includes Title I, National Education Goals; Title II, National Reform Leadership, Standards, and Assessments; Title III, State and Local Education Systemic Improvement; Title IV, Parental Assistance; Title V, National Skill Standards Board; Title VI, International Education Program; Title VII, Safe Schools; Title VIII, Minority-Focused Civics Education; Title IX, Educational Research and Improvement; and, Title X, Miscellaneous. The second section includes the purposes of the act. The third section includes definitions. (JPT)

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103D CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
103–446

GOALS 2000: EDUCATE AMERICA ACT

MARCH 21, 1994.—Ordered to be printed

Mr. FORD of Michigan, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 1804]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 1804), to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act (other than titles V and IX) may be cited as the "Goals 2000: Educate America Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

Sec. 101. Purpose.
Sec. 102. National education goals.

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SEC. 2. PURPOSE.

The purpose of this Act is to provide a framework for meeting the National Education Goals established by title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of learning and teaching in the classroom and in the workplace;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform and lifelong learning;

(4) establishing valid and reliable mechanisms for—

(A) building a broad national consensus on American education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity-to-learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high academic and occupational skill standards and to succeed in the world of employment and civic participation;

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards and strategies that all students will be expected to achieve;

(C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children to prepare them to participate fully as workers, parents, and citizens;

(E) providing resources to help individual schools, including those serving students with high needs, develop and implement comprehensive improvement plans; and

(F) promoting the use of technology to enable all students to achieve the National Education Goals;

(7) stimulating the development and adoption of a voluntary national system of skill standards and certification to serve as a cornerstone of the national strategy to enhance workforce skills; and

(8) assisting every elementary and secondary school that receives funds under this Act to actively involve parents and families in supporting the academic work of their children at home and in providing parents with skills to advocate for their children at school.

SEC. 3. DEFINITIONS.

(a) TITLES I, II, III, AND X.—As used in titles I, II, III, and X of this Act—

(1) the terms "all students" and "all children" mean students or children from a broad range of backgrounds and circumstances, including disadvantaged students and children, students or children with diverse racial, ethnic, and cultural backgrounds, American Indians, Alaska Natives, Native Hawaiians, students or children with disabilities, students or children with limited-English proficiency, school-aged students or children who have dropped out of school, migratory students or children, and academically talented students and children;

(2) the term "Bureau", unless otherwise provided, means the Bureau of Indian Affairs;

(3) the terms "community", "public", and "advocacy group" include representatives of organizations advocating for the edu-

cation of American Indian, Alaska Native, and Native Hawaiian children and Indian tribes;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the terms "local educational agency" and "State educational agency" have the meaning given such terms in section 1471 of the Elementary and Secondary Education Act of 1965;

(7) the term "opportunity-to-learn standards" means the criteria for, and the basis of, assessing the sufficiency or quality of the resources, practices, and conditions necessary at each level of the education system (schools, local educational agencies, and States) to provide all students with an opportunity to learn the material in voluntary national content standards or State content standards;

(8) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), the Republic of the Marshall Islands, and the Federated States of Micronesia;

(9) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(10) the term "related services" has the same meaning given such term under section 602 of the Individuals with Disabilities Education Act;

(11) the term "State assessment" means measures of student performance which include at least 1 instrument of evaluation, and may include other measures of student performance, for a specific purpose and use which are intended to evaluate the progress of all students in the State toward learning the material in State content standards in 1 or more subject areas;

(12) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 315(b), a school that is operated or funded by the Bureau;

(13) the term "Secretary", unless otherwise provided, means the Secretary of Education; and

(14) the term "State", unless otherwise provided, means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(b) TITLES IV, V, VI, VII, VIII, AND IX.—For the purpose of titles IV, V, VI, VII, VIII, and IX—

(1) except as provided in paragraph (3) and unless otherwise provided, the terms used in such titles have the same meanings given such terms in section 1471 of the Elementary and Secondary Education Act of 1965;

(2) the term "Bureau", unless otherwise provided, means the Bureau of Indian Affairs; and

(3) the term "Secretary", unless otherwise provided, means the Secretary of Education

TITLE I—NATIONAL EDUCATION GOALS

SEC. 101. PURPOSE.

The purpose of this title is to establish National Education Goals.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares that the National Education Goals are the following:

(1) SCHOOL READINESS.—(A) By the year 2000, all children in America will start school ready to learn.

(B) The objectives for this goal are that—

(i) all children will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—(A) By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) The objectives for this goal are that—

(i) the Nation must dramatically reduce its school dropout rate, and 75 percent of the students who do drop out will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—(A) By the year 2000, all students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) The objectives for this goal are that—

(i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure they are healthy and fit;

(v) the percentage of all students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

(4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) The objectives for this goal are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

(5) MATHEMATICS AND SCIENCE.—(A) By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) The objectives for this goal are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase by 50 percent; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(6) ADULT LITERACY AND LIFELONG LEARNING.—(A) By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) The objectives for this goal are that—

(i) every major American business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

(iv) the proportion of the qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and life-long learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

(7) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) By the year 2000, every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol and will offer a disciplined environment conducive to learning.

(B) The objectives for this goal are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and are a safe haven for all children;

(iii) every local educational agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons;

(iv) every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(v) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(vi) community-based teams should be organized to provide students and teachers with needed support; and

(vii) every school should work to eliminate sexual harassment.

(8) PARENTAL PARTICIPATION.—

(A) By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

(B) The objectives for this Goal are that—

(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decisionmaking at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals; and

(3) reviewing the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments certified by the National Education Standards and Improvement Council, with

the option of disapproving such standards and criteria not later than 90 days after receipt from such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel") to advise the President, the Secretary, and the Congress.

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

(1) 2 members appointed by the President;

(2) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

(3) 4 Members of the Congress, of whom—

(A) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

(C) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) 4 members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—

(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(3) REPRESENTATION.—To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

(d) TERMS.—The terms of service of members shall be as follows:

(1) PRESIDENTIAL APPOINTEES.—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (2) of subsection (b) shall serve for 2-year terms, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) CHAIRPERSON.—

(1) IN GENERAL.—The members shall select a Chairperson from among the members.

(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

(j) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content, student performance, or opportunity-to-learn standards may not participate in Goals Panel consideration of such standards.

(k) EX OFFICIO MEMBER.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to subsection (b)(1), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report to the President, the Secretary, and the Congress regarding the progress the Nation and the States are making toward achieving the National Education Goals established under title I of this Act, including issuing an annual report;

(2) report on State opportunity-to-learn standards and strategies and the progress of States that are implementing such standards and strategies to help all students meet State content standards and State student performance standards;

(3) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(4) after taking into consideration the public comments received pursuant to section 216 and not later than 90 days after receipt, review the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of State content standards, State student performance standards, State assessments, and State opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council,

except that the Goals Panel shall have the option of disapproving such criteria and standards by a two-thirds majority vote of the membership of the Goals Panel not later than 90 days after receipt of such criteria and standards;

(5) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(6) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) REPORT.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

(A) report on the progress of the United States toward achieving the National Education Goals;

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals and to provide all students with a fair opportunity-to-learn; and

(C) report on State opportunity-to-learn standards and strategies and the progress of States that are implementing such standards and strategies to help all students meet State content standards and State student performance standards.

(2) FORM; DATA.—Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) REPRESENTATION.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary na-

tional opportunity-to-learn standards, and State assessments described in section 213(f).

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) USE OF FACILITIES.—The Goals Panel may, with consent of any agency or instrumentality of the United States, or of any State or political subdivision thereof, use the research, equipment, services, and facilities of such agency, instrumentality, State, or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate, and on a reimbursable basis, shall make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISION.—

(1) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

(2) FINAL DECISIONS.—

(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

(B) Except as otherwise provided in this part, if a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a three-fourths vote of the members of the Goals Panel who are present and voting.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) Director.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) Appointment and Pay of Employees.—

(1) In general.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

(2) Additional employees.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

(c) Experts and Consultants.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) Staff of Federal Agencies.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in its duties under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) In General.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this section referred to as the "Groups") to improve the methods of assessing the readiness of children for school that would lead to alternatives to currently used early childhood assessments.

(b) Activities.—The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) Advice.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) REPORT.—The Goals Panel shall provide reports on the work of the Groups to the appropriate committees of the Congress, the Secretary, and the public.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 211. PURPOSE.

It is the purpose of this part to establish a mechanism to—

(1) certify and periodically review voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;

(2) certify State content standards and State student performance standards submitted by States on a voluntary basis, if such standards are comparable or higher in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(3) certify and periodically review voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify opportunity-to-learn standards submitted by States on a voluntary basis, if such standards are comparable or higher in rigor and quality to the voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council; and

(5) certify State assessments submitted by States or groups of States on a voluntary basis, if such assessments—

(A) are aligned with and support State content standards certified by such Council; and

(B) are valid, reliable, and consistent with relevant, nationally recognized, professional and technical standards for assessment when used for their intended purposes.

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").

(b) COMPOSITION.—

(1) IN GENERAL.—The Council shall be composed of 19 members (hereafter in this part referred to as "members") who shall be appointed as follows:

(A) The President shall appoint 7 individuals to the Council from among nominations received from the Secretary under subsection (c)(1)(B)(i), of whom—

(i) 2 shall be from each of the categories described in clause (i), (iii), or (iv) of subsection (c)(1)(A); and

(ii) 1 shall be from the category described in clause (ii) of subsection (c)(1)(A).

(B) The President shall appoint 12 individuals to the Council, of whom—

(i) 4 individuals shall be from nominations received from the Speaker of the House of Representatives, of whom 1 individual shall be from each of the categories described in clauses (i) through (iv) of subsection (c)(1)(A);

(ii) 4 individuals shall be from nominations received from the Majority Leader of the Senate, of whom 1 individual shall be from each of the categories described in clauses (i) through (iv) of subsection (c)(1)(A); and

(iii) 4 individuals shall be from nominations received from the Goals Panel, of whom 1 individual shall be from each of the categories described in clauses (i) through (iv) of subsection (c)(1)(A).

(2) SPECIAL RULES.—From among nominations received pursuant to subparagraphs (A) and (B) of paragraph (1) the President shall appoint to the Council—

(A) 1 individual representative of post-secondary educational institutions;

(B) 1 individual representative of organized labor; and

(C) 1 individual who is representative of business and is a member of the National Skill Standards Board established under title V.

(c) APPOINTMENT RULES AND QUALIFICATIONS.—

(1) APPOINTMENT CATEGORIES.—(A) The members of the Council shall be appointed from among the following categories of individuals:

(i) Professional educators, including elementary and secondary classroom teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, and other educators.

(ii) Representatives of business and industry, organized labor, and postsecondary educational institutions.

(iii) Representatives of the public, including representatives of advocacy, civil rights and disability groups, parents, civic leaders, State or local education policymakers (including members of State, local, or tribal school boards).

(iv) Education experts, including experts in measurement and assessment, curriculum, school finance and equity, and school reform.

(B)(i) The Secretary shall nominate 21 individuals for membership on the Council, of whom—

(I) 3 individuals shall be nominated from the category described in subparagraph (A)(i); and

(II) 6 individuals shall be nominated from each of the categories described in clauses (ii) through (iv) of subparagraph (A).

(ii) The Speaker of the House of Representatives, in consultation with the Majority Leader and Minority Leader of the

House of Representatives, shall nominate 12 individuals for membership on the Council, of whom 3 individuals shall be nominated from each of the categories described in clauses (i) through (iv) of subparagraph (A).

(iii) The Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, shall nominate 12 individuals for membership on the Council, of whom 3 individuals shall be nominated from each of the categories described in clauses (i) and (iv) of subparagraph (A).

(iv) The Goals Panel shall nominate 12 individuals for membership on the Council, of whom 3 individuals shall be nominated from each of the categories described in clauses (i) and (iv) of subparagraph (A).

(2) REPRESENTATION.—To the extent feasible, the membership of the Council shall be geographically representative of the United States and reflect the diversity of the United States with regard to race, ethnicity, gender, and disability characteristics.

(3) EXPERTISE OR BACKGROUND.—Not less than one-third of the individuals nominated and appointed under subsection (b) shall have expertise or background in the educational needs of children who are from low-income families, from minority backgrounds, have limited-English proficiency, or have disabilities.

(4) DIVISION BETWEEN POLITICAL PARTIES.—To the extent feasible, the individuals nominated and the individuals appointed to the Council shall be equally divided between the 2 major political parties.

(d) TERMS.—

(1) IN GENERAL.—Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) STAGGERING.—(A) The Council shall establish initial terms for members of 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year.

(B) The Secretary shall determine, pursuant to a lottery, which members serve terms of 1, 2, or 3 years under subparagraph (A).

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) INITIATION.—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) RETENTION.—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings of the Council in any given year.

(h) VACANCY.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) COMPENSATION.—Members of the Council who are not regular full-time employees of the United States may, while attending meetings or hearings of the Council, be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS–15 of the General Schedule.

(j) CONFLICT OF INTEREST.—

(1) IN GENERAL.—A member of the Council may not concurrently serve as a member of the Goals Panel.

(2) PROHIBITION.—A member of the Council who resides in a State which has developed State content standards, State student performance standards, State opportunity-to-learn standards or State assessments that are submitted to the Council for certification may not participate in Council consideration of such standards and assessments.

(3) SPECIAL RULES.—(A) Notwithstanding any other provision of law, before an individual is appointed to the Council, the official responsible for issuing waivers under section 208(b)(3) of title 18, United States Code, shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a copy of the waiver required by that section. Information contained in the waiver that would not otherwise be publicly available under section 208(d)(1) of title 18, United States Code, shall be provided to such committees, but shall be noted as nonpublic information.

(B) The Council shall develop, consistent with the provisions of and regulations promulgated pursuant to section 208(b)(3) of title 18, United States Code, and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate procedures governing the participation of members in any matter that affects the financial interests of the members or of a person or entity whose interests are imputed to the member.

(k) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(l) OFFICERS.—The members of the Council shall select officers from among its members. The officers of the Council shall serve for one-year terms.

SEC. 213. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS; VOLUNTARY NATIONAL STUDENT PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Council, which may consult with outside experts, shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content standards and voluntary national student performance standards using the criteria developed under paragraph (2)(A)(i), that define what all students should know and be able to do;

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such standards by a two-thirds majority vote of the full membership of the Goals Panel not later than 90 days after receipt of such standards; and

(D) develop a process for periodically reviewing any voluntary national content standards, voluntary national student performance standards, and voluntary national opportunity-to-learn standards that have been certified.

(2) CRITERIA.—(A) The Council, which may consult with outside experts, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

(ii) before applying such criteria, forward such criteria to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such criteria by a two-thirds majority vote of the full membership of the Goals Panel not later than 90 days after receipt of such criteria.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best in the world;

(ii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards reflect the best available knowledge about how all students learn and about how the content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, advocacy groups, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content and student performance standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) STATE CONTENT STANDARDS; STATE STUDENT PERFORMANCE STANDARDS.—The Council may certify State content standards and State student performance standards presented on a voluntary basis by a State or group of States, using the criteria developed under subsection (a)(2)(A)(i), if such standards are comparable or higher in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—

(1) IN GENERAL.—The Council, which may consult with outside experts, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills set out in the voluntary national content standards certified by the Council. In carrying out the preceding sentence the

Council is authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than groups that receive grants under section 219.

(2) ELEMENTS ADDRESSED.—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability to all students of curricula, instructional materials, and technologies, including distance learning;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area to all students;

(C) the extent to which teachers, principals, and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to voluntary national content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity-to-learn;

(F) the extent to which schools utilize policies, curricula, and instructional practices which ensure nondiscrimination on the basis of gender; and

(G) other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council.

(3) ADDITIONAL DUTIES.—In carrying out this subsection, the Council shall—

(A) identify what other countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and State opportunity-to-learn standards and, before applying such criteria, forward such criteria to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such criteria by a two-thirds majority vote of the full membership of the Goals Panel not later than 90 days after receipt of such criteria.

(4) RECOMMENDATIONS AND COORDINATION.—The Council shall assist in the development of the voluntary national opportunity-to-learn standards developed by each consortium under section 219 by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for each grant awarded under section 219; and

(B) coordinating with each consortium receiving awards under section 219 to ensure that the opportunity-to-learn standards the consortium develops are appropriate for the needs of all students, are of high quality, and are consistent with the criteria developed by the Council for the certification of such standards.

(5) APPROVAL.—The Council shall forward the voluntary national opportunity-to-learn standards the Council certifies to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such standards by a two-thirds majority vote of the full membership of the Goals Panel not later than 90 days after receipt of such standards.

(d) STATE OPPORTUNITY-TO-LEARN STANDARDS.—The Council may certify State opportunity-to-learn standards submitted voluntarily by a State, using the criteria developed under subsection (c)(3)(B), if such standards are comparable or higher in rigor and quality to the voluntary national opportunity-to-learn standards.

(e) GENERAL PROVISION REGARDING VOLUNTARY NATIONAL STANDARDS.—The Council may certify voluntary national content standards, voluntary national student performance standards, and voluntary national opportunity-to-learn standards if such standards are sufficiently general to be used by any State without restricting State and local control of curriculum and prerogatives regarding instructional methods to be employed.

(f) STATE ASSESSMENTS.—

(1) IN GENERAL.—(A) The Council may certify for a period not to exceed 5 years, State assessments that are submitted voluntarily by a State, using the criteria developed under paragraph (2)(A), if such assessments are aligned with the State's content standards certified by the Council.

(B) State assessments shall be certified by the Council for the purposes of—

(i) informing students, parents, teachers, and related services personnel about the progress of all students toward the standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected of all students, including the identification of State student performance standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(C) The Council shall certify State assessments only if—

(i) a State can demonstrate to the Council that all students have been prepared in the content for which such students are being assessed;

(ii) such assessments will not be used to make decisions regarding graduation, grade promotion, or retention of students for a period of 5 years from the date of enactment of this Act; and

(iii) the State has submitted to the Council—

(I) a description of the purposes for which the State assessments have been designed;

(II) the methodologies and process used to develop, select, validate, and use such State assessments;

(III) a copy of the test instrument, as appropriate;

(IV) a description of the other measures the State will use to evaluate student performance; and

(V) evidence that the test or tests which are part of the State assessments are valid, reliable measures of their intended purposes, are aligned with the State content standards, are capable of assessing the progress of all students toward learning the material in the State content standards, and are consistent with relevant nationally recognized professional and technical standards.

(D) The Council, at the request of a State prior to the State's submission to the Council of a State assessment for a proposed use, shall review and provide guidance to such State on a proposed package of measures, including tests that will be included in such a system.

(2) Criteria.—(A) The Council shall develop and, not sooner than three years nor later than four years after the date of enactment of this Act, begin utilizing criteria for the certification of State assessments for the purposes described in paragraph (1)(B).

(B) Before using such criteria, the Council shall forward the criteria to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such criteria by a two-thirds majority vote of the full membership of the Goals Panel not later than 90 days after receipt of such criteria.

(C) The certification criteria developed by the Council shall address the extent to which the State assessments—

(i) are aligned with a State's or a group of States' State content standards certified by the Council; and

(ii) are to be used for a purpose for which they are valid, reliable, and free of discrimination, and are consistent with relevant, nationally recognized professional and technical standards for assessment.

(D) In determining appropriate certification criteria for State assessments, the Council shall—

(i) consider standards and criteria being developed by other national organizations, research on assessment, and emerging new State and local assessments;

(ii) recommend needed research;

(iii) encourage the development and field testing of State assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of State assessments.

(E) Prior to determining the certification criteria, the Council shall seek public comment regarding the proposed criteria.

(F) The Council shall certify State assessments only if such assessments include all students and provide for the adaptations and accommodations necessary to permit the participation of all students with diverse learning needs.

(g) PERFORMANCE OF DUTIES.—In carrying out its responsibilities under this title, the Council shall—

(1) provide for a process of broad public input as part of the process of developing criteria for standards and assessments;

(2) work with Federal and non-Federal departments, agencies, or organizations which are conducting research, studies, or demonstration projects to determine internationally competitive standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on State assessments;

(3) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards under title V of this Act;

(4) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(5) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and State assessments;

(6) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and State assessments; and

(7) periodically recertify, as appropriate, the voluntary national content standards, the voluntary national student performance standards, and the voluntary national opportunity-to-learn standards and the State assessments that the Council certifies under this section.

(h) SPECIAL RULES.—

(1) UNCONDITIONED STATE PARTICIPATION.—No State shall be required to obtain certification of standards or assessments developed under subsection (b), (d), or (f) of this section or to participate in programs under title III of this Act, as a condition of participating in any Federal education program under this or any other Act.

(2) CONSTRUCTION.—Nothing in this Act shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.

SEC. 214. ANNUAL REPORTS.

Not later than one year after the date the Council concludes its first meeting, and in each succeeding year, the Council shall prepare and submit a report to the President, the Secretary, the appropriate committees of Congress, the Governor of each State, and the Goals Panel regarding its work.

SEC. 215. POWERS OF THE COUNCIL.

(a) HEARINGS.—

(1) IN GENERAL.—The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) LOCATION.—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments described in section 213(f).

(b) INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) USE OF FACILITIES.—The Council may use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry out other functions necessary to the performance of the Council's responsibilities.

SEC. 216. PUBLICATION FOR PUBLIC COMMENT.

(a) TRANSMITTAL.—For the purpose of obtaining public comment through publication in the Federal Register, the Council shall transmit to the Secretary—

(1) proposed criteria for certifying voluntary national content standards, voluntary national student performance standards, and State content standards and State performance standards;

(2) proposed criteria for certifying voluntary national opportunity-to-learn standards and State opportunity-to-learn standards;

(3) proposed criteria for certifying State assessments; and

(4) proposed voluntary national content standards, voluntary national student performance standards, and voluntary national opportunity-to-learn standards.

(b) PUBLICATION.—*The Secretary shall publish such proposed procedures, standards, and criteria in the Federal Register.*

SEC. 217. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—*The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council, or a majority of its members.*

(b) QUORUM.—*A majority of the members shall constitute a quorum for the transaction of business.*

(c) VOTING.—*The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.*

(d) PUBLIC ACCESS.—*The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.*

SEC. 218. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—*The Chairperson of the Council shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.*

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—*(A) The Director may appoint not more than four additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.*

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—*The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.*

(c) EXPERTS AND CONSULTANTS.—*The Council may procure temporary and intermittent services under section 3019(b) of title 5, United States Code.*

(d) STAFF OF FEDERAL AGENCIES.—*Upon the request of the Council, the head of any department or agency of the United States may detail any of the personnel of such department or agency to the Council to assist the Council in its duties under this part.*

SEC. 219. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.

(a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.—

(1) IN GENERAL.—*The Secretary is authorized to award more than one grant, on a competitive basis, to consortia of individuals and organizations to develop voluntary national opportunity-to-learn standards consistent with the provisions of section 213(c), and to develop a listing of model programs for use, on a voluntary basis, by States, which standards and listing may be used to—*

(A) provide all students with an opportunity to learn;

(B) assess the capacity and performance of individual schools; and

(C) develop appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) COMPOSITION OF CONSORTIA.—To the extent possible, each consortium shall include the participation of—

(A) State-level policymakers, such as Governors, State legislators, chief State school officers, and State school board members;

(B) local policymakers and administrators, such as local school board members, superintendents, and principals;

(C) teachers (especially teachers involved in the development of content standards) and related services personnel;

(D) parents and individuals with experience in promoting parental involvement in education;

(E) representatives of business;

(F) experts in vocational-technical education;

(G) representatives of regional accrediting associations;

(H) individuals with expertise in school finance and equity, the education of at-risk students, and the preparation and training of teachers and school administrators;

(I) curriculum and school reform experts;

(J) representatives of advocacy groups, including student and civil rights advocacy groups;

(K) representatives of higher education; and

(L) secondary school students.

(3) DUTIES OF CONSORTIA.—In developing voluntary national opportunity-to-learn standards, each consortium shall—

(A) draw upon current research about student achievement and the necessary conditions for effective teaching and learning; and

(B) provide for the development of more than one draft of standards which incorporate the comments and recommendations of educators and other knowledgeable individuals across the Nation.

(4) EXPERTISE OR BACKGROUND.—One-third of the members of each consortium shall consist of individuals with expertise or background in the educational needs and assessment of children who are from low-income families, are from minority backgrounds, have limited-English proficiency, or have disabilities.

(5) GEOGRAPHIC REPRESENTATION.—The membership of each consortium shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

(b) APPLICATIONS.—

(1) GRANTS FOR CONSORTIUM.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(2) AWARD CONSIDERATION.—In establishing additional priorities and selection criteria for awarding more than one grant, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(4)(A).

(c) REPORT.—After the development of the voluntary national opportunity-to-learn standards, each consortium receiving assistance under this section shall submit a report to the Secretary which discusses the background, important issues, and rationale regarding such standards.

SEC. 220. ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to State and local educational agencies or consortia of such agencies to help defray the cost of developing, field testing, and evaluating State assessments to be used for some or all of the purposes indicated in section 213(f)(1)(B), that are aligned to State content standards certified by the Council.

(2) RESERVATION.—The Secretary shall reserve a portion of the funds authorized under section 241(d) for grants to State educational agencies and local educational agencies for purposes of developing such assessments in languages other than English and for students with disabilities.

(b) APPLICATIONS.—Each State or local educational agency, or consortium, that desires to receive a grant under subsection (a)(1) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) REQUIREMENTS.—

(1) IN GENERAL.—A recipient of a grant under this section shall—

(A) examine the validity and reliability of the State assessment for the particular purposes for which such assessment was developed;

(B) ensure that the State assessment is consistent with relevant, nationally recognized professional and technical standards for assessments; and

(C) devote special attention to how a State assessment treats all students, especially with regard to the race, gender, ethnicity, disability, and language proficiency of such students.

(2) USE.—A State assessment developed and evaluated with funds under this section may not be used for decisions about individual students relating to program placement, promotion, or retention, graduation, or employment for a period of 5 years from the date of enactment of this Act.

SEC. 221. EVALUATION.

(a) GRANT.—From funds reserved under section 304(a)(2)(C), the Secretary shall make a grant, in an amount not to exceed $500,000, to the National Academy of Sciences or the National Academy of Education to—

(1) evaluate—

(A) the technical quality of the work performed by the Goals Panel and the Council;

(B) the process the Council uses to develop criteria for certification of standards and assessments;

(C) the process the Council uses to certify voluntary national standards as well as standards and assessments voluntarily submitted by States; and

(D) the process the Goals Panel uses to approve certification criteria and voluntary national standards;

(2) periodically provide to the Goals Panel and the Council, as appropriate, information from the evaluation under paragraph (1); and

(3) report on the activities authorized under sections 219 and 220.

(b) REPORT.—The recipient of a grant under this section shall submit a final report to the Congress, the Secretary, and the public regarding the activities assisted under this section not later than January 1, 1998.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 231. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education, by developing a national vision and strategy—

(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State and local level;

(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

(2) to promote awareness of the potential of technology for improving teaching and learning;

(3) to support State and local efforts to increase the effective use of technology for education;

(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet State education standards;

(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

(6) to promote high-quality professional development opportunities for teachers and administrators regarding the integration of technology into instruction and administration;

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

(8) to monitor, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 232. FEDERAL LEADERSHIP.

(a) Activities Authorized.—

(1) In general.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this part, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) Transfer of funds.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from other Federal departments or agencies.

(b) National Long-Range Technology Plan.—

(1) In general.—The Secretary shall develop and publish within 12 months of the date of enactment of this Act, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

(2) Plan requirements.—The Secretary shall—

(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act, and providers of technology services and products;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

(C) publish such plan in a form that is readily accessible to the public.

(3) Contents of the plan.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department of Education;

(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy,

the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(D) how the Secretary will promote—

(i) higher achievement of all students through the integration of technology into the curriculum;

(ii) increased access to the benefits of technology for teaching and learning for schools with a high concentration of children from low-income families;

(iii) the use of technology to assist in the implementation of State systemic reform strategies;

(iv) the application of technological advances to use in education; and

(v) increased opportunities for the professional development of teachers in the use of new technologies;

(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

(F) how the Secretary will utilize the outcome of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

(G) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317.

SEC. 233. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 216. (a) There shall be in the Department of Education an Office of Educational Technology (hereafter in this section referred to as the 'Office'), to be administered by the Director of Edu-

cational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) The Director of the Office of Educational Technology (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve State content and challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to section 232(b) of the Goals 2000: Educate America Act; and

"(4) perform such additional functions as the Secretary may require.

"(c) The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

"(d) The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.".

(b) COMPENSATION OF THE DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Office of Educational Technology.".

SEC. 234. USES OF FUNDS.

(a) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authority of section 241(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

(6) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals and State content standards and State student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) research on, and the evaluation of, the effectiveness and benefits of technology in education, giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

(10) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, by using, to the extent possible, existing information and resources;

(11) conferences on, and dissemination of information regarding, the uses of technology in education;

(12) the development of model strategies to promote gender equity in the use of technology;

(13) encouraging collaboration between the Department of Education and other Federal departments and agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(14) such other activities as the Secretary determines meet the purposes of this part.

(b) Special Rules.—

(1) In general.—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) Grants and contracts.—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.

SEC. 235. NON-FEDERAL SHARE.

(a) In General.—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(b) Increase.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this part.

SEC. 236. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to and established in the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out part A of this title.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part B of this title.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated $2,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.

(d) ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.—There are authorized to be appropriated $5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out section 220.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.

The Congress finds that—

(1) all students can learn and achieve to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national lev-

els, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement in order to increase student learning;

(6) parents, teachers, and other local educators, and business, community, and tribal leaders must be involved in developing systemwide improvement strategies that reflect the needs of their individual communities;

(7) State and local education improvement efforts must incorporate strategies for providing all students and families with coordinated access to appropriate social services, health care, nutrition, and early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(8) States and local educational agencies, working together, must immediately set about developing and implementing such systemwide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

(9) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the work force as well as to higher education;

(10) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(11) schools should provide information to businesses regarding how the business community can assist schools in meeting the purposes of this Act;

(12) institutions of higher education should be encouraged to enter into partnerships with schools to provide information and guidance to schools on the skills and knowledge graduates need in order to enter and successfully complete postsecondary education, and schools should provide information and guidance to institutions of higher education on the skills, knowledge, and preservice training teachers need, and the types of professional development educators need in order to meet the purposes of this Act;

(13) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to

provide all students with the opportunity to learn and meet high standards;

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing systemwide education improvement plans;

(15) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs; and

(16) quality education management services are being utilized by local educational agencies and schools through contractual agreements among local educational agencies or schools and businesses providing quality education management services.

SEC. 302. PURPOSE.

(a) PURPOSE.—It is the purpose of this title to improve the quality of education for all students by improving student learning through a long-term, broad-based effort to promote coherent and coordinated improvements in the system of education throughout the Nation at the State and local levels.

(b) CONGRESSIONAL INTENT.—This title provides new authorities and funding for the Nation's school systems without replacing or reducing funding for existing Federal education programs. It is the intention of the Congress that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $400,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out this title.

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated under section 303, the Secretary—

(1) shall reserve a total of one percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas;

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau; and

(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and

(2) may reserve a total of not more than 5 percent for—

(A) national leadership activities under sections 313 and 314;

(B) the costs of peer review of State improvement plans and applications under this title; and

(C) evaluation activities under section 221.

(b) STATE ALLOTMENTS.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received

under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State educational agency's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallot such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) MAINTENANCE OF EFFORT.—Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that the Secretary may reduce, temporarily or permanently, the level of expenditures required by this subsection if the Secretary determines that such recipient has justifiable reasons for a reduction in the level of expenditures required by this subsection.

SEC. 305. STATE APPLICATIONS.

(a) APPLICATION.—

(1) IN GENERAL.—Each State educational agency that desires to receive an allotment under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) ADDITIONAL INFORMATION.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 312, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this section 306;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed under section 306, or that such authority will be sought;

(C) an assurance that the State content standards and State student performance standards developed for student achievement are not less rigorous than such standards used prior to the date of enactment of this Act;

(D) an assurance that the State will provide for broad public participation in the planning process; and

(E) such other assurances and information as the Secretary may require.

(b) First Year.—A State educational agency's application for the first year of assistance under this title shall—

(1) describe the process by which the State educational agency will develop a State improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

(c) Subsequent Years.—A State educational agency's application for the second year of assistance under this title shall—

(1) cover the second through fifth years of the State's participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 306, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use such funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) Basic Scope of Plan.—Except as provided in section 305(c)(2) and consistent with the requirements of this section, any State educational agency that wishes to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the improvement of elementary and secondary education in the State.

(b) Plan Development.—

(1) In general.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legislature, or their designees;

(C) teachers, principals, and administrators who have successfully improved student performance, and deans or senior administrators of a college, school, or department of education; and

(D) representatives of teacher's organizations, parents, secondary school students, institutions of higher education, business and labor leaders, community-based organizations of demonstrated effectiveness, organizations serving young children, local boards of education, State and local officials responsible for health, social, and other related services,

private schools in which students or teachers participate in Federal education programs, and, as appropriate, Indian tribes and others;

(E) representatives from rural and urban local educational agencies in the State, as appropriate; and

(F) experts in educational measurement and assessment.

(2) APPOINTMENT.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel and the representative of private schools described in paragraph (1)(D).

(3) REPRESENTATION.—(A) To the extent feasible, the membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender, and disability characteristics.

(B) The membership of the panel shall be composed so that the minimum total number of members of the panel with expertise or background in the educational needs or assessments of children from low-income families, children with minority backgrounds, children with limited-English proficiency, or children with disabilities, serving on the panel—

(i) bears the same relation to the total number of members serving on the panel as the total number of all such children in the State bears to the total number of all children in the State; or

(ii) is at least one-third of the number of members of the panel,

whichever is less.

(4) CONSULTATION.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.

(5) OUTREACH.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children's advocates, secondary school students, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State's student population, including, students of limited-English proficiency, students with disabilities, and, as appropriate, American Indian, Alaska Native, and Native Hawaiian students, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) PROCEDURE AND APPROVAL.—The panel shall develop a State improvement plan, provide opportunity for public com-

ment, and submit such plan to the State educational agency for approval.

(7) SUBMISSION.—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan if modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) MATTERS NOT UNDER THE JURISDICTION OF THE STATE EDUCATIONAL AGENCY.—If any portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) MONITORING; REVISIONS; REPORTING.—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State educational agency, with broad-based classroom teacher input, shall establish and include in its State improvement plan strategies for meeting the National Education Goals by improving teaching and learning and students' mastery of basic and advanced skills in core content areas, such as English, mathematics, science (including physics), history, geography, foreign languages, the arts, civics and government, and economics. Such strategies—

(1) shall include—

(A) a process for developing or adopting State content standards and State student performance standards for all students, which process shall include coordinating the standards developed pursuant to section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act;

(B) a process for developing and implementing valid, nondiscriminatory, and reliable State assessments—

(i) which assessments shall—

(I) be aligned with such State's content standards;

(II) involve multiple measures of student performance;

(III) provide for—

(aa) the participation in such assessments of all students with diverse learning needs; and

(bb) the adaptations and accommodations necessary to permit such participation;

(IV) be consistent with relevant, nationally recognized professional and technical standards for such assessments;

(V) be capable of providing coherent information about student attainments relative to the State content standards; and

(VI) support effective curriculum and instruction; and

(ii) which process shall provide for monitoring the implementation of such assessments and the impact of such assessments on improved instruction for all students;

(C) a process for aligning State or local curricula, instructional materials, and State assessments with the State content standards and State student performance standards; and

(D) a process for familiarizing teachers with the State content standards and State student performance standards and developing the capability of teachers to provide high quality instruction within the content areas described in the matter preceding paragraph (1) of this subsection;

(2) may include strategies such as—

(A) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity of such agencies and schools to provide all students the opportunity to increase educational achievement and meet State content standards and State student performance standards;

(B) assessing the effectiveness and equity of the school finance program of the State to identify disparities in the resources available to each local educational agency and school in such State and how such disparities affect the ability of the State educational agency and local educational agencies to develop and implement plans under this title;

(C) a process for developing, selecting, or recommending instructional materials, including gender equitable and multicultural materials, and technology to support and assist local educational agencies and schools to provide all students the opportunity to meet State content standards and State student performance standards;

(D) a process for providing appropriate and effective professional development, including the use of technology, distance learning, and gender-equitable methods, necessary for teachers, school administrators, and others to help all students meet State content standards and State student performance standards; and

(E) a process for improving the State's system of teacher and school administrator preparation and licensure, and of continuing professional development programs, including the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise

needed to prepare all students to meet State content standards and State student performance standards.

(d) OPPORTUNITY-TO-LEARN STANDARDS AND STRATEGIES.—

(1) IN GENERAL.—Each State improvement plan shall establish standards or strategies for providing all students with an opportunity to learn. Such standards or strategies shall include such factors as the State deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills as described in State content standards and State student performance standards adopted by the State.

(2) IMPLEMENTATION.—Notwithstanding any other provision of this Act, the implementation of opportunity-to-learn standards or strategies shall be voluntary on the part of the States, local educational agencies, and schools.

(3) CONSTRUCTION.—Nothing in this section shall be construed to—

(A) mandate equalized spending per pupil for a State, local educational agency, or school; or

(B) mandate national school building standards for a State, local educational agency, or school.

(e) GOVERNANCE, ACCOUNTABILITY AND MANAGEMENT.—Each State improvement plan shall establish strategies for improved governance, accountability and management of the State's education system, such as—

(1) aligning responsibility, authority, and accountability throughout the education system, so that decisions regarding the means for achieving State content standards and State student performance standards are made closest to the learners; and

(2) creating an integrated and coherent approach to recruiting, retaining and supporting the continued professional development of teachers (including vocational teachers), and other educators, giving special attention to the recruitment into and retention of qualified minorities in the education profession;

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State improvement plan shall describe strategies for how the State educational agency will involve parents and other community representatives in planning, designing, and implementing the State improvement plan, including strategies such as—

(1) focusing public and private community resources and public school resources on prevention and early intervention to address the needs of all students by identifying and removing unnecessary regulations and obstacles to coordination; and

(2) increasing the access of all students to social services, health care, nutrition, related services, and child care services, and locating such services in schools, cooperating service agencies, community-based centers, or other convenient sites designed to provide "one-stop shopping" for parents and students.

(g) MAKING THE IMPROVEMENTS SYSTEMWIDE.—To help provide all students throughout the State the opportunity to meet State standards, each State improvement plan shall describe strategies, such as strategies that—

(1) provide for the availability of curricular materials, learning technologies, including distance learning, and profes-

sional development in a manner that ensures equal access by all local educational agencies in the State; and

(2) develop partnerships with Indian tribes and schools funded by the Bureau, where appropriate, to improve consistency and compatibility in curriculum among public elementary and secondary schools, and such schools funded by the Bureau at all grade levels.

(h) PROMOTING BOTTOM-UP REFORM.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, as well as guided by coordination and facilitation from State leaders, including strategies such as—

(1) providing flexibility to individual schools and local educational agencies to enable such schools and agencies to adapt and integrate State content standards into courses of study appropriate for individual schools and communities; and

(2) facilitating the provision of waivers from State rules and regulations that impede the ability of local educational agencies or schools to carry out local improvement plans.

(i) DROPOUT STRATEGIES.—Each State improvement plan shall include strategies for assisting local educational agencies and schools to enable such agencies and schools—

(1) to meet the needs of school-aged children who have dropped out of school;

(2) to bring such children into the education system; and

(3) to help such students meet State content standards and State student performance standards.

(j) COORDINATION WITH SCHOOL-TO-WORK PROGRAMS.—If a State has received Federal assistance for the purpose of planning for, expanding, or establishing a school-to-work program, then a State shall include in the State improvement plan a description of how such school-to-work program will be incorporated into the school reform efforts of the State. In particular, the State improvement plan shall include a description of how secondary schools will be modified in order to provide career guidance, the integration of academic and vocational education, and work-based learning, if such programs are proposed in the State's school-to-work plan.

(k) BENCHMARKS AND TIMELINES.—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (j), can be measured.

(l) COORDINATING STRATEGIES.—Each State plan shall include strategies for coordinating the integration of academic and vocational instruction pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act.

(m) PROGRAM IMPROVEMENT AND ACCOUNTABILITY.—Each State improvement plan shall describe—

(1) how the State will monitor progress toward implementing the State and local improvement plans; and

(2) procedures the State plans to use, consistent with State law, to improve schools that are not meeting the State content

standards voluntarily adopted by the State within the established timelines.

(n) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—*(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State, except during the period when a State improvement plan is being developed.*

(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for development of a State improvement plan under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) APPROVAL.—*The Secretary shall approve a State improvement plan if such plan is submitted to the Secretary not later than 2 years after the date the State educational agency receives its first allotment under section 304(b), and when the Secretary determines, after considering the peer reviewers' comment, that such plan—*

(A) reflects a widespread commitment within the State;

(B) holds reasonable promise of helping all students to achieve at the high levels called for by this Act;

(C) meets the requirements of subsections (a) through (k); and

(D) allows local schools, local educational agencies and communities the flexibility to implement local improvement plans in a manner which reflects local needs and requirements in order to promote a 'bottom up' system of school reform.

(3) DISAPPROVAL.—*The Secretary shall not disapprove a State improvement plan, or any State application submitted under section 305, before offering the State—*

(A) an opportunity to revise such plan or application; and

(B) a hearing.

(o) REGULAR REVIEW.—*Each State improvement plan shall include a process for periodically reviewing and updating any State content standards, State student performance standards, State opportunity-to-learn standards or strategies, and State assessments.*

(p) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—*Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).*

(2) Review.—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(q) Preexisting State Plans and Panels.—

(1) In general.—If a State has developed a comprehensive and systemic State improvement plan to help all students meet State standards or any component of such plan, that meets the intent and purposes of this section, then the Secretary may approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b) if the Secretary determines that such approval would further the purposes of State systemic education improvement; and

(2) Special rule.—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of this section, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary may, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of this title if the Secretary determines that there has been statewide involvement of educators, parents, students, advocacy groups, and other interested members of the public in the development of the plan.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) First Year.—The Secretary shall approve the State educational agency's first year application under section 305(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the second year application of the State educational agency under section 305(c) will provide for the development and implementation of a State improvement plan that complies with section 306.

(b) Second Through Fifth Years.—The Secretary shall approve the State educational agency's second year application under section 305(c)(1) for the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(n); or

(B) the Secretary determines that the State has made substantial progress in developing its State improvement plan and will implement such plan not later than the end of the second year of participation; and

(2) the application meets the other requirements of this title.

(c) Payments.—For any fiscal year for which a State has an approved application under this title, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) FIRST YEAR.—In the first year for which a State educational agency receives an allotment under this title, such agency—

(1) if the amount made available under section 303 for such year is equal to or greater than $50,000,000, shall use at least 60 percent of such allotted funds to award subgrants—

(A) in accordance with section 309(a), to local educational agencies for the development or implementation of local improvement plans; and

(B) in accordance with section 309(b), to improve educator preservice programs and for professional development activities consistent with the State improvement plan;

(2) if the amount made available under section 303 for such year is less than $50,000,000, may use such funds for the subgrants described in paragraph (1); and

(3) shall use any such allotted funds not used in accordance with paragraphs (1) and (2) to develop, revise, expand, or implement a State improvement plan described in section 306.

(b) SUCCEEDING YEARS.—Each State educational agency that receives an allotment under this title for any year after the first year of such agency receives assistance under this title shall—

(1) use at least 90 percent of such allotment to make subgrants—

(A) in accordance with section 309(a), to local educational agencies for the implementation of the State improvement plan and of local improvement plans; and

(B) in accordance with section 309(b), to improve educator preservice programs and for professional development activities that are consistent with the State improvement plan; and

(2) use the remainder of such assistance for State activities designed to implement its State improvement plan, such as—

(A) supporting the development or adoption of State content standards and State student performance standards, State opportunity-to-learn standards, and State assessments linked to such standards, including—

(i) through consortia of States; or

(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, limited-English proficient, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools

to aspire to enter and complete post-secondary education or training;

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new State assessments, and develop curricula consistent with the State content standards and State student performance standards;

(I) promoting public magnet schools, public "charter schools", and other mechanisms for increasing choice among public schools, including information and referral programs which provide parents with information on available choices;

(J) supporting activities relating to the planning of, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

(K) supporting intergenerational mentoring programs;

(L) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs; and

(M) collecting and analyzing data.

(c) LIMIT ON ADMINISTRATIVE COSTS.—A State educational agency that receives an allotment under this title in any fiscal year shall use not more than 4 percent of such allotment in such year, or $100,000, whichever is greater, for administrative expenses, which administrative expenses shall not include the expenses related to the activities of the panel established under section 306(b)(1).

(d) SPECIAL RULE.—Any new public school established under this title—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—(A) Each State educational agency shall make subgrants, through a competitive process to carry out the authorized activities described in paragraph (4), to local edu-

cational agencies (or consortia of such agencies) in accordance with section 308.

(B) In making such subgrants, the State educational agency shall award not less than 1 subgrant in each fiscal year to an urban local educational agency and not less than 1 subgrant in each fiscal year to a rural local educational agency, where appropriate, except that this provision shall not apply to the District of Columbia. An education service agency may serve as a fiscal agent for a rural local educational agency.

(C) Each such subgrant shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) APPLICATION REQUIRED.—(A) A local educational agency desiring to receive a subgrant under this subsection for the development of a local improvement plan shall submit an application to the State educational agency. Such application shall contain assurances that the local educational agency intends to develop a local improvement plan that meets the requirements of this section.

(B) A local educational agency only shall be eligible to receive a subgrant under this subsection to develop a local improvement plan for one fiscal year.

(3) PLAN REQUIRED.—Each local educational agency desiring to receive a subgrant under this subsection to implement a local improvement plan shall submit a local improvement plan to the State educational agency. Each such plan shall—

(A) be developed by a broad-based panel that—

(i) is appointed by the local educational agency and is representative of the diversity of students and community with regard to race, language, ethnicity, gender, disability, and socioeconomic characteristics and includes teachers, parents, advocacy groups, school administrators, business representatives, and others, as appropriate; and

(ii) shall, following the selection of its members, establish the procedures regarding the operation of the panel, including the designation of the chairperson;

(B) address districtwide education improvement, directed at enabling all students to meet the State content standards and State student performance standards, including specific goals and benchmarks, reflect the priorities of the State improvement plan (either approved or under development) and include a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating, maintaining, and strengthening parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) promote the flexibility of local schools in developing plans which address the particular needs of their school

and community and are consistent with the local improvement plan;

(D) describe a process of broad-based community participation in the development, implementation, and evaluation of the local improvement plan;

(E) describe how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that—

(i) focus on helping all students reach State content standards and State student performance standards; and

(ii) address relevant elements of the local improvement plan of the local educational agency identified in subparagraph (B);

(F) describe how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

(G) describe how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (6)(A);

(H) identify, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(I) contain such other information as the State educational agency may reasonably require.

(4) SUBMISSION.—A local educational agency which has approved a local improvement plan shall submit such plan to the State educational agency for approval together with a description of modifications to such plan and any comments from the local panel regarding such plan.

(5) MONITORING.—The panel described in paragraph (3)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, community members, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be

recommended to the local educational agency. The panel shall periodically report such determination to the public.

(6) AUTHORIZED ACTIVITIES.—(A) A local educational agency that receives a subgrant under this subsection—

(i) in the first year such agency receives the subgrant shall use—

(I) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, which may include the establishment of innovative new public schools; and

(II) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet State content standards and State student performance standards; and

(ii) in subsequent years, shall use subgrant funds for any activities approved by the State educational agency which are reasonably related to carrying out the State or local improvement plans which may include the establishment of innovative new public schools, except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans which are designed to help all students meet State content standards and State student performance standards.

(B) At least 50 percent of the funds made available by a local educational agency to individual schools under this section in any fiscal year shall be made available to schools with a special need for such assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(C) A local educational agency may not use more than five percent of the subgrant funds such agency receives in each fiscal year under this title for administrative expenses.

(7) SPECIAL CONSIDERATION.—The State educational agency shall give special consideration in awarding a subgrant to—

(A) a consortium of local educational agencies; or

(B) a local educational agency that provides in the application or local improvement plan described in paragraph (2) or (3), respectively, that such subgrant funds will be used to assist a consortium of schools that has developed a plan for school improvement.

(b) SUBGRANTS FOR PRESERVICE TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.—

(1) IN GENERAL.—(A) Each State educational agency shall make subgrants, through a competitive, peer-reviewed process to a local educational agency, or a consortium of local educational agencies, in cooperation with institutions of higher education, nonprofit organizations, or any combination thereof, in accordance with section 308 to—

(i) improve preservice teacher education programs consistent with the State improvement plan, including how to work effectively with parents and the community; and

(ii) support continuing, sustained professional development activities for educators and school administrators or related services personnel working with educators which will increase student learning in accordance with the State improvement plan.

(B) Each State educational agency awarding subgrants under subparagraph (A) shall give priority to awarding such subgrants to—

(i) a local educational agency or consortium serving a greater number or percentage of disadvantaged students than the statewide average of such number or percentage;

(ii) a local educational agency or consortium that forms partnerships with collegiate educators to establish professional development sites; and

(iii) a local educational agency or consortium that—

(I) focuses on upgrading teachers' knowledge of content areas; or

(II) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

(2) APPLICATION.—Each local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency which—

(A) describes how the applicant will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator professional development activities consistent with the State improvement plan;

(B) identifies the criteria to be used by the applicant to judge improvements in preservice education or the effects of professional development activities consistent with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) REQUIRED ACTIVITIES.—A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, principals, and other educators at the school or district level that equip educators with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(4) PERMISSIVE ACTIVITIES.—A recipient of a subgrant under this subsection may use the subgrant funds for costs related to release time for teachers to participate in professional development activities, which professional development shall include related services personnel as appropriate.

(c) SPECIAL AWARD RULE.—

(1) IN GENERAL.—Each State educational agency shall award at least 50 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average such percentage or number for all local educational agencies in the State.

(2) WAIVER.—The State educational agency may waive the requirement of paragraph (1) if such agency does not receive a sufficient number of applications to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

(a) INFORMATION AND TRAINING.—Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, State content standards or State student performance standards, curricular materials, and State assessments shall, upon request, make information related to such goals, standards, materials, and assessments available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in the State improvement plan described in section 306 for the training of teachers and administrators in private schools located in the geographical area served by such agency.

(b) WAIVER.—If, by reason of any provision of law, a State or local educational agency is prohibited from providing for the equitable participation of teachers and administrators from private schools in training programs assisted with Federal funds provided under this title, or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation, the Secretary shall waive such requirements and shall arrange for the provision of training consistent with State goals and State content standards for such teachers and administrators. Such waivers shall be subject to consultation, withholding, notice, and judicial review in accordance with section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the

State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies and parent organizations in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) APPLICATION.—(A)(i) To request a waiver under paragraph (1), a local educational agency or school that receives funds under this title, or a local educational agency or school that does not receive funds under this title but is undertaking school reform efforts that the Secretary determines are comparable to the activities described in section 306, shall transmit an application for such a waiver to the State educational agency. The State educational agency then shall submit approved applications for waivers under paragraph (1) to the Secretary.

(ii) A State educational agency that receives funds under this title may request a waiver under paragraph (1) by submitting an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) identify the statutory or regulatory requirements that are requested to be waived and the goals that the State educational agency or local educational agency or school intends to achieve;

(ii) describe the action that the State educational agency has undertaken to remove State statutory or regulatory barriers identified in the application of local educational agencies;

(iii) describe the goals of the waiver and the expected programmatic results if the request is granted;

(iv) describe the numbers and types of students to be impacted by such waiver;

(v) describe a timetable for implementing a waiver; and

(vi) describe the process the State educational agency will use to monitor, on a biannual basis, the progress in implementing a waiver.

(3) TIMELINESS.—The Secretary shall act promptly on a request for a waiver under paragraph (1) and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—Each waiver under paragraph (1) shall be for a period not to exceed 4 years. The Secretary may extend such period if the Secretary determines that the waiver has been

effective in enabling the State or affected local educational agencies to carry out reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act.

(4) The Emergency Immigrant Education Act of 1984.

(5) The Drug-Free Schools and Communities Act of 1986.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver under subsection (a)(1) and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 State educational agencies serving eligible States to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for the State educational agency or any local educational agency or school within the State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three State educational agencies serving eligible States that each have a population of 3,500,000 or greater and three State educational agencies serving eligible States that each have

a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) Designation.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) Eligible state.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) State application.—(A) Each State educational agency desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) Local application.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any rel-

evant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each State educational agency participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of a State educational agency under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(f) ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under subsection (a)(1), or a State educational agency's authority to issue waivers under subsection (e), the Secretary shall review the progress of the State educational agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achiev-

ing the desired results described in the application submitted pursuant to subsection (a)(2)(B)(iii) or (e)(5)(A)(ii).

(g) PUBLICATION.—A notice of the Secretary's decision to grant waivers under subsection (a)(1) and to authorize State educational agencies to issue waivers under subsection (e) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators. parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SEC. 312. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives funds under this title shall annually report to the Secretary regarding—

(1) progress in meeting State goals and plans;

(2) proposed State activities for the succeeding year; and

(3) in summary form, the progress of local educational agencies in meeting local goals and plans and increasing student learning.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing—

(1) the activities assisted under, and outcomes of, grants or contracts under section 220, including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds awarded under such paragraph; and

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

SEC. 313. TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.

(a) TECHNICAL ASSISTANCE.—

(1) In general.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(2) Activities.—A grant, contract or cooperative agreement under this section may support technical assistance activities, such as—

(A) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(B) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(C) obtaining advice from experts in the field of school finance equalization.

(b) Data.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this section.

(c) Models.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

SEC. 314. NATIONAL LEADERSHIP.

(a) Technical Assistance and Integration of Standards.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school improvement plans, in a manner that ensures that such assistance is broadly available;

(2) gather data on, conduct research on, and evaluate systemic education improvement and how such improvement affects student learning, including the programs assisted under this title;

(3) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means;

(4) provide grants to tribal divisions of education for coordination efforts between school reform plans developed for schools funded by the Bureau and public schools described in section 306(g)(2), including tribal activities in support of such plans;

(5) support national demonstration projects that unite local and State educational agencies, institutions of higher education, government, business, and labor in collaborative ar-

rangements in order to make educational improvements systemwide; and

(6) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

(B) such projects are appropriate for a wide range of diverse circumstances, localities (including both urban and rural communities), and populations.

(b) RESERVATION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall use at least 50 percent of the funds reserved each year under section 304(a)(2)(A) to make grants, in accordance with the provisions of section 309(a) that the Secretary determines appropriate, and provide technical and other assistance to urban and rural local educational agencies with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency, to assist such agencies in developing and implementing local school improvement plans, except that any school that received funds under section 309(a) shall not receive assistance pursuant to this paragraph other than technical assistance.

(2) SURVEY.—The Secretary shall use not less than $1,000,000 of the funds reserved for fiscal year 1994 under section 304(a)(2)(A) to replicate coordinated services programs that have been found to be successful in helping students and families and improving student outcomes, and shall disseminate information about such programs to schools that plan to develop coordinated services programs.

(c) ADMINISTRATION.—Any activities assisted under this section that involve research shall be administered through the Office of Educational Research and Improvement.

SEC. 315. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—

(1) IN GENERAL.—Funds reserved for outlying areas under section 304(a)(1)(A) shall be distributed among such areas by the Secretary according to relative need of such areas.

(2) INAPPLICABILITY OF PUBLIC LAW 95–134.—The provisions of Public Law 95–134, permitting the consolidation of grants to the insular areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The funds reserved for the Secretary of the Interior under section 304(a)(1)(B) shall be made in a payment which shall be pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines shall best achieve the provisions of this section and this Act. The agreement shall, at a minimum, contain assurances that—

(A) a panel, as set forth in paragraph (4) of this subsection, shall be established;

(B) a reform and improvement plan, designed to increase student learning and assist students in meeting the National Education Goals, meeting the requirements pertaining to State improvement plans required in section 306 and providing for the fundamental restructuring and improvement of elementary and secondary education in schools funded by the Bureau, shall be developed by such panel; and

(C) the provisions and activities required under such State improvement plans, including the requirements for timetables for opportunity-to-learn standards, shall be carried out in the same time frames and under the same conditions stipulated for the States in sections 305 and 306, provided that for these purposes, the term "local educational agencies" shall be interpreted to mean "schools funded by the Bureau".

(2) VOLUNTARY SUBMISSION.—The provisions applicable to the States in section 213 of this Act shall apply to the Bureau plan with regard to voluntary submission of standards and assessments to the National Education Standards and Improvement Council for review and certification.

(3) PLAN SPECIFICS.—The reform and improvement plan shall include, in addition to the requirements described above, specific provisions for—

(A) opportunity to learn standards pertaining to residential programs and transportation costs associated with programs located on or near reservations or serving students in off-reservation residential boarding schools;

(B) review and incorporation of the National Education Goals and the voluntary national content standards, voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act, provided that such review shall include the issues of cultural and language differences; and

(C) provision for coordination of the efforts of the Bureau with the efforts for school improvement of the States and local educational agencies in which the schools funded by the Bureau are located, including the development of the partnerships outlined in section 306(g)(2) of the Act.

(4) PANEL.—(A) To carry out the provisions of this section, and to develop the plan for system-wide reform and improvement required under the agreement required under paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs. Such panel shall consist of—

(i) the Director of the Office of Indian Education Programs of the Bureau and two heads of other divisions of such Bureau as the Assistant Secretary shall designate;

(ii) a designee of the Secretary of Education; and

(iii) a representative nominated by each of the following:

(I) The organization representing the majority of teachers and professional personnel in schools operated by the Bureau.

(II) The organization representing the majority of nonteaching personnel in schools operated by the Bureau, if not the same organization as in subclause (I).

(III) School administrators of schools operated by the Bureau.

(IV) Education line officers located in Bureau area or agency offices serving schools funded by the Bureau.

(V) The organization representing the majority of contract or grant schools funded by the Bureau not serving students on the Navajo reservation.

(VI) The organization representing the majority of contract or grant schools funded by the Bureau serving students on the Navajo reservation.

(VII) The organization representing the school boards required by statute for schools operated by the Bureau not serving students on the Navajo reservation.

(VIII) The organization representing the school boards required by statute for schools funded by the Bureau serving students on the Navajo reservation.

(B) Including the additional members required by paragraph (5), a majority of the members of such panel shall be from the entities designated under subparagraph (A)(iii).

(5) ADDITIONAL MEMBERS.—In addition, the members of the panel described in paragraph (4) shall designate for full membership on the panel four additional members—

(A) one of whom shall be a representative of a national organization which represents primarily national Indian education concerns; and

(B) three of whom shall be chairpersons (or their designees) of Indian tribes with schools funded by the Bureau on their reservations (other than those specifically represented by organizations referred to in paragraph (4)), provided that preference for no less than two of these members shall be given to Indian tribes with a significant number of schools funded by the Bureau on their reservations, or with a significant percentage of their children enrolled in schools funded by the Bureau.

(c) BIA COST ANALYSIS.—

(1) IN GENERAL.—(A) The Secretary of the Interior shall reserve from the funds received pursuant to section 304(a)(1)(B) in the first fiscal year that the Secretary of the Interior receives such funds an amount not to exceed $500,000 to provide, through the National Academy of Sciences or the National Academy of Education, for an analysis of the costs associated with meeting the academic and home-living/residential standards of the Bureau for each school funded by the Bureau. The purpose of such analysis shall be to provide the Bureau and the panel described in paragraph (4) with baseline data regarding the current state of operations funded by the Bureau and to provide a framework for addressing the implementation of opportunity-to-learn standards.

(B) The results of such analysis shall be reported, in aggregate and school specific form, to the chairpersons and ranking minority members of the Committees on Education and Labor and Appropriations of the House of Representatives and the Select Committee on Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, the Secretary of Education (who shall transmit the report to the appropriate entities under this Act), and the Assistant Secretary of the Interior for Indian Affairs, not later than 6 months after the date of enactment of this Act.

(2) CONTENT.—Such analysis shall evaluate the costs of providing a program in each school operated or supported by the Bureau for the next succeeding academic year and shall be based on—

(A) the standards either published in the Federal Register as having effect in schools operated by the Bureau on the date of enactment of this Act or the standards incorporated into each grant or contract in effect on such date with a tribally controlled school funded under section 1128 of Public Law 95–561 (as amended);

(B) the best projections of student counts and demographics, as provided by the Bureau and as independently reviewed by the National Academy of Sciences or the National Academy of Education; and

(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as such pay and benefit schedules and requirements existed on the date of enactment of this Act.

(d) SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

SEC. 316. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards or State assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 317. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) PURPOSE.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of

the National Education Goals and State content standards and State student performance standards.

(2) FORMULA.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least $75,000.

(c) PLAN OBJECTIVES.—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and districts with a high percentage or number of disadvantaged students;

(3) the development and implementation of a cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during afterschool hours.

(d) PLAN REQUIREMENTS.—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational agencies, public and private telecommunication entities, parents, public and school libraries, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements for introducing state-of-the-art technologies into the classroom and school library in order to enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the standards and strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(8) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(9) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(10) describe how the State educational agency and local educational agencies in the State will coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(11) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families;

(14) describe the process through which such plan will be reviewed and updated periodically; and

(15) describe how the State educational agency will facilitate collaboration between State literacy resource centers, local educational agencies, and adult and family literacy providers, to ensure that technology can be used by adult and family literacy providers during after school hours.

(e) Reports.—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State's progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State's long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the standards and strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for fiscal year 1994 to carry out this section.

SEC. 318. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or con-

trol a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

SEC. 319. STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION.

(a) FINDINGS.—The Congress finds as follows:

(1) Congress is interested in promoting State and local government reform efforts in education.

(2) In Public Law 96–88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation.

(3) In Public Law 96–88 the Congress found that in our Federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States.

(4) In Public Law 96–88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education.

(5) With the establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies.

(6) Public Law 96–88 specified that the establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States.

(7) Public Law 96–88 specified that no provision of a program administered by the Secretary or by any other officer of the Department of Health, Education, and Welfare shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system.

(b) REAFFIRMATION.—The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

TITLE IV—PARENTAL ASSISTANCE

SEC. 401. PARENTAL INFORMATION AND RESOURCE CENTERS.

(a) PURPOSE.—The purpose of this title is—

(1) to increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) to strengthen partnerships between parents and professionals in meeting the educational needs of children aged birth through 5 and the working relationship between home and school;

(3) to enhance the developmental progress of children assisted under this title; and

(4) to fund at least 1 parental information and resource center in each State before September 30, 1998.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations, and nonprofit organizations in consortia with local educational agencies, to establish parental information and resource centers that provide training, information, and support to—

(A) parents of children aged birth through 5 years;

(B) parents of children enrolled in elementary and secondary schools; and

(C) individuals who work with the parents described in subparagraphs (A) and (B).

(2) AWARD RULE.—In awarding grants under this title, the Secretary shall ensure that such grants are distributed, to the greatest extent possible, to all geographic regions of the United States.

SEC. 402. APPLICATIONS.

(a) GRANTS APPLICATIONS.—

(1) IN GENERAL.—Each nonprofit organization and nonprofit organization in consortium with a local educational agency which desires a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary shall determine.

(2) CONTENTS.—Each application submitted under paragraph (1) shall, at a minimum, include assurances that a grantee will—

(A)(i) be governed by a board of directors the membership of which includes parents; or

(ii) be an organization that represents the interests of parents;

(B) establish a special advisory committee the membership of which—

(i) includes—

(I) parents described in subparagraphs (A) and (B) of section 401(b)(1); and

(II) representatives of education professionals with expertise in improving services for disadvantaged children; and

(ii) is broadly representative of minority, low-income, and other individuals and groups that have an interest in compensatory education and family literacy;

(C) use at least one-half of the funds provided under this Act in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

(E) serve both urban and rural areas;

(F) design a center that meets the unique training, information, and support needs of parents described in subparagraphs (A) and (B) of section 401(b)(1), particularly parents who are educationally or economically disadvantaged;

(G) demonstrate the capacity and expertise to conduct the effective training information and support activities for which assistance is sought;

(H) network with—

(i) clearinghouses;

(ii) parent centers for the parents of infants, toddlers, children, and youth with disabilities served under section 631(e) of the Individuals with Disabilities Education Act;

(iii) other organizations and agencies;

(iv) established national, State, and local parent groups representing the full range of parents of children, aged birth through 5 years; and

(v) parents of children enrolled in elementary and secondary schools;

(I) focus on serving parents described in subparagraphs (A) and (B) of section 401(b) who are parents of low-income, minority, and limited-English proficient, children; and

(J) use part of the funds received under this title to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs.

(b) GRANT RENEWAL.—In each fiscal year after the first fiscal year a grantee receives assistance under this title, the grantee shall demonstrate in the application submitted for each fiscal year after such first year that a portion of the services provided by such grantee is supported through non-Federal contributions, which contributions may be in cash or in kind.

SEC. 403. USES OF FUNDS.

Grant funds received under this title may be used—

(1) for parent training, information, and support programs that assist parents to—

(A) better understand their children's educational needs;

(B) provide followup support for their children's educational achievement;

(C) communicate more effectively with teachers, counselors, administrators, and other professional educators and support staff;

(D) participate in the design and provision of assistance to students who are not making adequate educational progress;

(E) obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents described in subparagraphs (A) and (B) of section 401(b);

(F) seek technical assistance regarding compliance with the requirements of this title and of other Federal programs relevant to achieving the National Education Goals;

(G) participate in State and local decisionmaking;

(H) train other parents; and

(I) plan, implement, and fund activities that coordinate the education of their children with other Federal programs that serve their children or their families; and

(2) to include State or local educational personnel where such participation will further the activities assisted under the grant.

SEC. 404. TECHNICAL ASSISTANCE.

The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information and support programs and parental information and resource centers.

SEC. 405. DEFINITIONS.

For purposes of this title—

(1) the term "parent education" includes parent support activities, the provision of resource materials on child development, parent-child learning activities and child rearing issues, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

(2) the term "Parents as Teachers program" means a voluntary early childhood parent education program that—

(A) is designed to provide all parents of children from birth through age 5 with the information and support such parents need to give their child a solid foundation for school success;

(B) is based on the Missouri Parents as Teachers model with the philosophy that parents are their child's first and most influential teachers;

(C) provides—

(i) regularly scheduled personal visits with families by certified parent educators;

(ii) regularly scheduled developmental screenings; and

(iii) linkage with other resources within the community in order to provide services that parents may want and need, except that such services are beyond the scope of the Parents as Teachers program;

(3) the term "Home Instruction for Preschool Youngsters program" means a voluntary early-learning program for parents with one or more children between the ages of 3 through 5, that—

(A) provides support, training, and appropriate educational materials necessary for parents to implement a school-readiness, home instruction program for their child; and

(B) includes—

(i) group meetings with other parents participating in the program;

(ii) individual and group learning experiences with the parent and child;

(iii) provision of resource materials on child development and parent-child learning activities; and

(iv) other activities that enable the parent to improve learning in the home.

SEC. 406. REPORTS.

Each organization receiving a grant under this title shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this title, including—

(1) the number of parents, including the number of minority and limited-English-proficient parents, who receive information and training;

(2) the types and modes of training, information, and support provided under this title;

(3) the number of Parents as Teachers programs and Home Instruction for Preschool Youngsters programs which have been assisted under this title; and

(4) the strategies used to reach and serve parents of minority and limited-English-proficient children, parents with limited literacy skills, and other parents in need of the services provided under this title.

SEC. 407. GENERAL PROVISION.

Notwithstanding any other provision of this title—

(1) no person, including a parent who educates a child at home, public school parent, or private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no program assisted under this title shall take any action that infringes in any manner on the right of a parent to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provision Act shall apply to organizations awarded grants under this title.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out this title.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the "National Skill Standards Act of 1994".

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Skill Standards Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification of attainment of skill standards—

(1) that will serve as a cornerstone of the national strategy to enhance workforce skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance workforce, including the most skilled frontline workforce in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(E) by workers, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the workforce;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to offer;

(H) by government, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures;

(I) to facilitate the transition to high performance work organizations;

(J) to increase opportunities for minorities and women, including removing barriers to the entry of women into nontraditional employment; and

(K) to facilitate linkages between other components of the national strategy to enhance workforce skills, including school-to-work transition, secondary and postsecondary vocational-technical education, and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (hereafter in this title referred to as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members (appointed in accordance with paragraph (3)), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) 2 members shall be neutral, qualified human resource professionals; and

(ii) 6 members shall be representatives from the following groups, with at least 1 member from each group:

(I) Educational institutions (including vocational-technical institutions).

(II) Community-based organizations.

(III) State and local governments.

(IV) Nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, individuals with disabilities, or older persons.

(2) DIVERSITY REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall—

(A) in the aggregate, represent a broad cross-section of occupations and industries; and

(B) to the extent feasible, be geographically representative of the United States and reflect the racial, ethnic, and gender diversity of the United States.

(3) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives, of whom three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations

made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate, of whom three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) EX OFFICIO NONVOTING MEMBERS.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) TERM.—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(6) VACANCIES.—Any vacancy in the National Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the National Board, by majority vote, shall elect a Chairperson once every 2 years from among the members of the National Board.

(B) INITIAL CHAIRPERSON.—The first Chairperson of the National Board shall be elected, by a majority vote of the National Board, from among the members who are rep-

resentatives of business (as described in subparagraph (E) of subsection (b)(1)) and shall serve for a term of 2 years.

(2) VICE CHAIRPERSONS.—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—All Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation. All members of the National Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) EXPENSES.—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board, not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. Such staff shall include at least one individual with expertise in measurement and assessment.

(B) COMPENSATION.—The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the National Board is authorized, in carrying out this title, to accept voluntary and uncompensated services.

(g) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services, and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the

National Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) Conflict of Interest.—An individual who has served as a member of the National Board may not have any financial interest in an assessment and certification system developed or endorsed under this title for a period of 3 years after the termination of service of such individual from the National Board.

(i) Procurement of Temporary and Intermittent Services.—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(j) Termination.—The National Board shall terminate on September 30, 1999.

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) Identification of Occupational Clusters.—

(1) In general.—Subject to paragraph (2), the National Board shall identify broad clusters of major occupations that involve 1 or more than 1 industry in the United States and that share characteristics that are appropriate for the development of common skill standards.

(2) Procedures for identification.—Prior to identifying broad clusters of major occupations under paragraph (1), the National Board shall engage in extensive public consultation, including solicitation of public comment on proposed clusters through publication in the Federal Register.

(b) Establishment of Voluntary Partnerships To Develop Standards.—

(1) In general.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) Representatives.—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of workforce skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who have expertise in the area of workforce skill requirements and who shall be—

(i) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(ii) such other individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given

the nature and structure of employment in the occupation or industry;

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education, vocational-technical education, or employment and training;

(iv) other policy development organizations with expertise in the area of workforce skill requirements; and

(v) non-governmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, individuals with disabilities, or older persons; and

(D) individuals with expertise in measurement and assessment, including relevant experience in designing unbiased assessments and performance-based assessments.

(3) EXPERTS.—The partnerships described in paragraph (1) may also include such other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATION.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct workforce research relating to skill standards (including research relating to use of skill standards in compliance with civil rights laws) and make such research available to the public, including the voluntary partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), the voluntary partnerships described in subsection (b), and among education and training providers through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)) and the Educational Resources Information Center Clearinghouses;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards developed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification and postsecondary education;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b) to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) DEVELOPMENT OF ENDORSEMENT CRITERIA.—(A) The National Board, after extensive public consultation, shall develop objective criteria for endorsing skill standards systems relating to the occupational clusters identified pursuant to subsection (a). Such criteria shall, at a minimum, include the components of a skill standards system described in subparagraph (B). The endorsement criteria shall be published in the Federal Register, and updated as appropriate.

(B) The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(i) Voluntary skill standards, which at a minimum—

(I) take into account relevant standards used in other countries and relevant international standards;

(II) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act", 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.);

(III) take into account content and performance standards certified pursuant to title II;

(IV) take into account the requirements of high performance work organizations;

(V) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(VI) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries; and

(VII) are not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

(ii) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which at a minimum—

(I) has been developed after taking into account relevant methods of such assessment and certification used in other countries;

(II) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests; and

(III) includes methods for establishing that the assessment and certification system is not dis-

criminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

(iii) A system to promote the use of and to disseminate information relating to skill standards, and assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems) to entities such as institutions of higher education offering professional and technical education, labor organizations, trade associations, employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(iv) A system to evaluate the implementation of the skill standards, and assessment and certification systems developed pursuant to this paragraph, and the effectiveness of the information disseminated pursuant to subparagraph (C) for informing the users of such standards and systems of the requirements of relevant civil rights laws.

(v) A system to periodically revise and update the skill standards, and assessment and certification systems developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(2) ENDORSEMENT.—The National Board, after public review and comment, shall endorse those skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the objective endorsement criteria that are developed pursuant to paragraph (1); and

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b).

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, gender, age, religion, ethnicity, disability, or national origin.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, under subsection (d) shall not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—From funds appropriated pursuant to section 507—

(A) the National Board may enter into contracts and cooperative agreements to carry out the purposes of this title; and

(B) the Secretary of Labor may, in accordance with paragraph (2), award grants to voluntary partnerships for the development of skill standards systems meeting the requirements of subsection (d).

(2) GRANTS TO VOLUNTARY PARTNERSHIPS.—

(A) ELIGIBILITY AND APPLICATION.—Voluntary partnerships that meet the requirements of subsection (b) shall be eligible to apply for a grant under this subsection. Each such voluntary partnership desiring a grant shall submit an application to the National Board at such time, in such manner, and accompanied by such information as the National Board may reasonably require.

(B) REVIEW AND RECOMMENDATION.—The National Board shall review each application submitted pursuant to subparagraph (A) in accordance with the objective criteria published pursuant to subparagraph (C) and shall forward each such application to the Secretary of Labor accompanied by a nonbinding recommendation for the approval or disapproval of each such application by the Secretary.

(C) CRITERIA FOR REVIEW.—Prior to each fiscal year, the National Board shall publish objective criteria to be used by the Board in reviewing applications under subparagraph (B).

(3) LIMITATION ON USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) COSTS OF ADMINISTRATION DEFINED.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1995, the National Board shall, at a minimum—

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the workforce; and

(2) promote the development of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1999, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1999.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 508. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution of higher education (as such term is defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) which continues to meet the eligibility and certification requirements under section 498 of such Act.

(4) SKILL STANDARD.—The term "skill standard" means a standard that specifies the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) REPEAL.—This title is repealed on September 30, 1999.

(b) REVIEW OF REPEAL.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

TITLE VI—INTERNATIONAL EDUCATION PROGRAM

SEC. 601. INTERNATIONAL EDUCATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary, with the concurrence of the Director of the United States Information Agency and with the foreign policy guidance of the Secretary of State, shall carry out an International Education Program in accordance with this section that shall provide for—

(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) ASSESSMENT AND INFORMATION.—The Secretary shall award grants for the study, evaluation, and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology, and organizational structure, including the length of the school year and school day. In addition,

the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) INTERNATIONAL EDUCATION EXCHANGE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Director of the United States Information Agency, shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—

(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational, and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) PROGRAM ADMINISTRATION.—The Secretary and the Director of the United States Information Agency, or their designees, shall be jointly responsible for the design of the program described in subparagraph (A). The Secretary and the Director of the United States Information Agency shall name to an oversight committee an equal number of representatives. Such committee shall determine the specifications for requests for proposals, the eligibility and review criteria for proposals, and the review process for proposals, for grants or contracts under this section. The Director of the United States Information Agency shall have particular responsibility for ensuring that programs assisted under this section are not duplicative of other efforts in the target countries and that foreign partner institutions are creditable.

(C) RESERVATIONS.—In carrying out the program described in subparagraph (A), there shall be reserved in each fiscal year—

(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

(ii) 50 percent of such amount available to carry out this subsection for economic education activities.

(2) CONTRACT AUTHORIZED.—

(A) IN GENERAL.—The Secretary, in consultation with the Director of the United States Information Agency, is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) NUMBER.—The Secretary, in consultation with the Director of the United States Information Agency, shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) AVOIDANCE OF DUPLICATION.—The Secretary, in consultation with the Director of the United States Information Agency, shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school-based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) ACTIVITIES.—The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as The Federalist Papers, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics, and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) PARTICIPANTS.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(5) PERSONNEL AND TECHNICAL EXPERTS.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries to establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(6) DEFINITIONS.—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND INFORMATION.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) INTERNATIONAL EDUCATION EXCHANGE.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

TITLE VII—SAFE SCHOOLS

SEC. 701. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Safe Schools Act of 1994".

(b) STATEMENT OF PURPOSE.—It is the purpose of this title to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a dis-

ciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. 702. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this title may not exceed—

(A) two fiscal years in duration; and

(B) $3,000,000.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) AUTHORIZATION OF APPROPRIATIONS AND RESERVATION.—

(1) AUTHORIZATION.—There are authorized to be appropriated $50,000,000 for fiscal year 1994 to carry out this title.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national activities described in section 706, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 706(b).

SEC. 703. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this title, a local educational agency shall demonstrate in the application submitted pursuant to section 704(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspensions of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this title, the Secretary shall give priority to a local educational agency that submits an application that assures a strong local commitment to the projects or activities assisted under this title, such as—

(1) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(2) a high level of youth participation in such projects or activities.

SEC. 704. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this title, an eligible local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools to be served by the grant and in the community to be served by the applicant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the activities and projects to be carried out with grant funds, and how these activities and projects will help to reduce the current violence and crime problems in the schools and communities served;

(4) a description of educational materials to be developed in the first most predominate non-English language of the schools and communities to be served by the grant, if applicable;

(5) if the local educational agency receives Federal education funds, an explanation of how activities assisted under this title will be coordinated with and support any systemic education improvement plan prepared with such funds;

(6) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to combat such problems;

(7) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure the applicant's progress in achieving the purpose of this title;

(8) a description of how, in subsequent fiscal years, the grantee will integrate the violence prevention activities the grantee carries out with funds under this title with activities carried out under the grantee's comprehensive plan for drug and violence prevention adopted under the Drug-Free Schools and Communities Act of 1986;

(9) a description of how the grantee will coordinate the grantee's school crime and violence prevention efforts with education, law enforcement, judicial, health, and social service programs supported under the Juvenile Justice and Delinquency Prevention Act of 1974, and other appropriate agencies and organizations serving the community;

(10) a description of how the grantee will inform parents about the extent of crime and violence in their children's schools and maximize the participation of parents in the grantee's violence prevention activities;

(11) an assurance that grant funds under this title will be used to supplement and not supplant State and local funds that

would, in the absence of funds under this title, be made available by the applicant for the purposes of the grant;

(12) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to determine the effectiveness of projects and activities assisted under this title or the extent of school violence and discipline problems throughout the Nation; and

(13) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this title for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain a description of how the grantee will coordinate the grantee's school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community.

SEC. 705. USE OF FUNDS.

(a) IN GENERAL.—A local educational agency shall use grant funds received under this title for one or more of the following activities:

(1) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities with education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations, juvenile justice programs, and gang prevention activities.

(2) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(3) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(4) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(5) Activities which involve parents in efforts to promote school safety and prevent school violence.

(6) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(A) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(B) the need for community support.

(7) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations and juvenile justice programs.

(8) Developing and implementing violence prevention activities and materials, including—

(A) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(B) disciplinary alternatives to expulsion and suspension of students who exhibit violent or antisocial behavior;

(C) student-led activities such as peer mediation, peer counseling, and student courts; or

(D) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, educational and instructional activities, and mentoring and community service programs.

(9) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(10) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(11) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(12) Counseling programs for victims and witnesses of school violence and crime.

(13) Acquiring and installing metal detectors and hiring security personnel.

(14) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(15) Evaluating projects and activities assisted under this title.

(16) The cost of administering projects or activities assisted under this title.

(17) Other projects or activities that meet the purpose of this title.

(b) LIMITATIONS.—

(1) IN GENERAL.—A local educational agency may use not more than—

(A) a total of 5 percent of grant funds received under this title in each fiscal year for activities described in paragraphs (11), (13), and (14) of subsection (a); and

(B) 5 percent of grant funds received under this title in each fiscal year for activities described in paragraph (16) of subsection (a).

(2) SPECIAL RULE.—A local educational agency shall only be able to use grant funds received under this title for activities described in paragraphs (11), (13), and (14) of subsection (a) if funding for such activities is not available from other Federal sources.

(3) PROHIBITION.—A local educational agency may not use grant funds received under this title for construction.

SEC. 706. NATIONAL ACTIVITIES.

(a) NATIONAL ACTIVITIES.—

(1) IN GENERAL.—To carry out the purpose of this title, the Secretary—

(A) is authorized to use funds reserved under section 702(b)(2) to—

(i) conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this title;

(ii) provide grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking; and

(iii) conduct peer review of applications under this title; and

(B) shall develop a written safe schools model so that all schools can develop models that enable all students to participate regardless of any language barrier.

(2) SPECIAL RULE.—The Secretary may carry out the activities described in paragraph (1) directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section 702(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. 707. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e-1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. 708. REPORTS.

(a) REPORT TO SECRETARY.—Each local educational agency that receives funds under this title shall submit to the Secretary a report not later than March 1, 1995, that describes progress achieved in carrying out the plan described in section 704(b).

(b) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report not later than October 1, 1995, which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under section 704(a), and an evaluation of programs assisted under this title.

SEC. 709. COORDINATION OF FEDERAL ASSISTANCE.

The Secretary, as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out *under this title with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other Federal law for purposes that are determined by the Secretary to be similar to the purpose of this title, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.*

TITLE VIII—MINORITY-FOCUSED CIVICS EDUCATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Minority-Focused Civics Education Act of 1994".

SEC. 802. PURPOSES.

It is the purpose of this title—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

SEC. 803. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) AWARD RULE.— In awarding grants under this title, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this title.

SEC. 804. DEFINITIONS.

For purposes of this title—

(1) the term "eligible entity" means a State educational agency, an institution of higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term "State higher education agency" means the officer or agency primarily responsible for the State supervision of higher education.

SEC. 805. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this title shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) PRIORITY.—The Secretary, in approving applications for assistance under this title, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Educational Research, Development, Dissemination, and Improvement Act of 1994".

SEC. 902. FINDINGS.

The Congress finds as follows with respect to improving education in the United States:

(1) A majority of public schools in the United States are failing to prepare students to achieve the National Education Goals. The Federal Government should support an extensive program of educational research, development, dissemination, replication and assistance to identify and support the best responses for the challenges ahead. A significant investment in attaining a deeper understanding of the processes of learning and schooling and developing new ideas holds the best hope of making a substantial difference to the lives of every student in the United States. The Office of Educational Research and Improvement within the Department of Education should be at the center of this campaign in order to coordinate such efforts.

(2) The Federal role in educational research has been closely identified with youths who are socioeconomically disadvantaged, are minorities, belong to a language minority, or have a disability. The Federal commitment to education was sufficient to serve not more than—

(A) in 1993, 1 out of every 6 low-income children in need of preschool education;

(B) in 1990, 3 out of every 5 children in need of remediation;

(C) in 1991, 1 out of every 5 children in need of bilingual education; and

(D) in 1992, 1 out of every 20 youths eligible for assistance under the Job Training Partnership Act.

(3) The failure of the Federal Government to adequately invest in educational research and development has denied the United States a sound foundation of knowledge on which to design school improvements. The educational achievement of minority children is of particular concern because at least half of the public school students in 25 of the largest cities of the United States are minority children, and demographers project that, by the year 2005, almost all urban public school students will be minority children or other children in poverty.

(4) The investment goal of the Federal research, development, and dissemination function should be at least 1 percent of the total amount of funds spent on educationally.

(5) Nationwide model programs and reliable interventions should be demonstrated and replicated, and for such purposes, programs should be established to conduct research and evaluations, and to disseminate information.

(6) The Office should develop a national dissemination policy that will advance the goal of placing a national treasure chest of research results, models, and materials at the disposal of the education decisionmakers of the United States.

(7) A National Educational Research Policy and Priorities Board should be established to work collaboratively with the Assistant Secretary to forge a national consensus with respect to a long-term agenda for educational research, development, dissemination, and the activities of the Office.

(8) Existing research and development entities should adopt expanded, proactive roles and new institutions should be created to promote knowledge development necessary to accelerate the application of research findings to high priority areas.

(9) Greater use should be made of existing technologies in efforts to improve the educational system of the United States, including efforts to disseminate research findings.

(10) Minority educational researchers are inadequately represented throughout the Department of Education, but particularly in the Office. The Office therefore should assume a leadership position in the recruitment, retention, and promotion of qualified minority educational researchers.

(11) The coordination of the mission of the Office with that of other components of the Department of Education is critical. The Office should improve the coordination of the educational

research, development, and dissemination function with those of other Federal agencies.

PART A—GENERAL PROVISIONS REGARDING THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 911. REPEAL.

(a) REPEAL.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

(b) CONFORMING AMENDMENT.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in the Educational Research, Development, Dissemination, and Improvement Act of 1994" after "delegate".

SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) DECLARATION OF POLICY REGARDING EDUCATIONAL OPPORTUNITY.—

(1) IN GENERAL.—The Congress declares it to be the policy of the United States to provide to every individual an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, age, disability, national origin, or social class. Although the American educational system has pursued this objective, it has not been attained. Inequalities of opportunity to receive high quality education remain pronounced. To achieve the goal of quality education requires the continued pursuit of knowledge about education through research, development, improvement activities, data collection, synthesis, technical assistance, and information dissemination. While the direction of American education remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

(2) MISSION OF OFFICE.—

(A) The mission of the Office shall be to provide national leadership in—

(i) expanding fundamental knowledge and understanding of education;

(ii) promoting excellence and equity in education; and the achievement of the National Educational Goals by spurring reform in the school systems of the United States;

(iii) promoting the use and application of research and development to improve practice in the classroom; and

(iv) monitoring the state of education.

(B) The mission of the Office shall be accomplished in collaboration with researchers, teachers, school administrators, parents, students, employers, and policymakers.

(b) PURPOSE AND STRUCTURE OF OFFICE.—

(1) IN GENERAL.—The Secretary, acting through the Office, shall carry out the policies set forth in subsection (a). In carrying out such policies, the Office shall be guided by the Research

Priorities Plan developed by the Assistant Secretary working collaboratively with the Board and which has been approved by the Board.

(2) ADMINISTRATIVE STRUCTURE.—The Office shall be administered by the Assistant Secretary and shall include—

(A) the National Educational Research Policy and Priorities Board established by section 921;

(B) the national research institutes established by section 931;

(C) the national education dissemination system established by section 941;

(D) the National Center for Education Statistics; and

(E) such other units as the Secretary deems appropriate to carry out the purposes of the Office.

(3) AUTHORIZED ACTIVITIES.—

(A) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—

(i) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(ii) disseminate the findings of education research, and provide technical assistance to apply such information to specific problems at school sites;

(iii) collect, analyze, and disseminate data related to education, and to library and information services;

(iv) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(v) provide training in education research; and

(vi) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(c) APPOINTMENT OF EMPLOYEES.—

(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed three years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees of the Office as the Assistant Secretary considers necessary to accomplish its functions, provided that—

(A) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(B) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS–15, as determined in accordance with section 5376 of title 5, United States Code;

(C) the appointment of such employee is necessary to provide the Office with scientific or technical expertise

which could not otherwise be obtained by the Office through the competitive service; and

(D) the total number of such employees does not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office.

(2) REAPPOINTMENT OF EMPLOYEES.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for one additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(d) AUTHORITY TO PUBLISH.—

(1) IN GENERAL.—The Assistant Secretary is authorized to prepare and publish such information, reports, and documents as may be of value in carrying out the purposes of this title without further clearance or approval by the Secretary or any other office of the Department of Education.

(2) QUALITY ASSURANCE.—In carrying out such authority, the Assistant Secretary shall—

(A) establish such procedures as may be necessary to assure that all reports and publications issued by the Office are of the highest quality; and

(B) provide other offices of the Department of Education with an opportunity to comment upon any report or publication prior to its publication when its contents relate to matters for which such office has responsibility.

(e) BIENNIAL REPORT ON ACTIVITIES OF OFFICE.—The Assistant Secretary shall transmit to the President and the Congress by not later than December 30 of every other year a report which shall consist of—

(1) a description of the activities carried out by and through each research institute during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

(2) a description of the activities carried out by and through the national education dissemination system established by section 941 during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

(3) such written comments and recommendations as may be submitted by the Board concerning the activities carried out by and through each of the institutes and the national education dissemination system during the fiscal years for which such report is prepared;

(4) a description of the coordination activities undertaken pursuant to subsection (g) during the fiscal years for which such report is prepared;

(5) recommendations for legislative and administrative changes necessary to improve the coordination of all educational research, development, and dissemination activities carried out within the Federal Government; and

(6) such additional comments, recommendations, and materials as the Assistant Secretary considers appropriate.

(f) Research Priorities Plan.—

(1) In general.—Working collaboratively with the Board, the Assistant Secretary shall—

(A) survey and assess the state of knowledge in education research, development and dissemination to identify disciplines and areas of inquiry in which the state of knowledge is insufficient and which warrant further investigation, taking into account the views of both education researchers and practicing educators;

(B) consult with the National Education Goals Panel and other authorities on education to identify national priorities for the improvement of education;

(C) actively solicit recommendations from education researchers, teachers, school administrators, cultural leaders, parents, and others throughout the United States through such means as periodic regional forums;

(D) provide recommendations for the development, maintenance, and assurance of a strong infrastructure for education, research, and development in the United States; and

(E) on the basis of such recommendations, develop a research priorities program which shall recommend priorities for the investment of the resources of the Office over the next 5-, 10-, and 15-year periods, including as priorities those areas of inquiry in which further research, development and dissemination—

(i) is necessary to attain the National Education Goals;

(ii) promises to yield the greatest practical benefits to teachers and other educators in terms of improving education; and

(iii) will not be undertaken in sufficient scope or intensity by the other Federal and non-Federal entities engaged in education research and development.

(2) Contents of plan.—(A) The research and priorities plan described in paragraph (1) shall, at a minimum—

(i) set forth specific objectives which can be expected to be achieved as a result of a Federal investment in the priorities set forth in the plan;

(ii) include recommendations with respect to research and development on cross-cutting issues which should be carried out jointly by 2 or more of the research institutes; and

(iii) include an evaluative summary of the educational research and development activities undertaken by the Federal government during the preceding 2 fiscal years, which shall describe—

(I) what has been learned as a result of such activities;

(II) how such new knowledge or understanding extends or otherwise relates to what had been previously known or understood;

(III) the implications of such new knowledge or understanding for educational practice and school reform; and

(IV) any development, reform, and other assistance activities which have utilized such knowledge or understanding and the effects of such efforts.

(B) REPORT.—(i) Not later than 6 months after the first meeting of the Board and by October 1 of every second year thereafter, the Assistant Secretary shall publish a report specifying the proposed research priorities of the Office and allow a 60-day period beginning on the date of the publication of the report for public comment and suggestions.

(ii) Not later than 90 days after the expiration of the 60-day period referred to in clause (i), the Assistant Secretary shall submit to the Board a report specifying the proposed research priorities of the Office and any public comment and suggestions obtained under such subparagraph for the Board's review and approval.

(g) COORDINATION.—With the advice and assistance of the Board, the Assistant Secretary shall work cooperatively with the Secretary and the other Assistant Secretaries of the Department of Education to establish and maintain an ongoing program of activities designed to improve the coordination of education research, development, and dissemination and activities within such Department and within the Federal Government to—

(1) minimize duplication in education research, development, and dissemination carried out by the Federal Government;

(2) maximize the value of the total Federal investment in education research, development, and dissemination; and

(3) enable entities engaged in education research, development, and dissemination within the Federal Government to interact effectively as partners and take full advantage of the diverse resources and proficiencies which each entity has available.

(h) ACTIVITIES REQUIRED WITH RESPECT TO COORDINATION.—In carrying out such program of coordination, the Assistant Secretary shall compile (and thereafter regularly maintain) and make available a comprehensive inventory of education research, development, dissemination activities, and expenditures being carried out by the Federal Government.

(i) STANDARDS FOR THE CONDUCT AND EVALUATION OF RESEARCH.—

(1) IN GENERAL.—In consultation with the Board, the Assistant Secretary shall develop such standards as may be necessary to govern the conduct and evaluation of all research, development, and dissemination activities carried out by the Office to assure that such activities meet the highest standards of professional excellence. In developing such standards, the Assistant Secretary shall review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development and shall also actively solicit recommenda-

tions from research organizations and members of the general public.

(2) CONTENTS OF STANDARDS.—Such standards shall at a minimum—

(A) require that a process of open competition be used in awarding or entering into all grants, contracts, and cooperative agreements under this title;

(B) require that a system of peer review be utilized by the Office—

(i) for reviewing and evaluating all applications for grants and cooperative agreements and bids for those contracts which exceed $100,000;

(ii) for evaluating and assessing the performance of all recipients of grants from and cooperative agreements and contracts with the Office; and

(iii) for reviewing and designating exemplary and promising programs in accordance with section 941(d);

(C) describe the general procedures which shall be used by each peer review panel in its operations;

(D)(i) describe the procedures which shall be utilized in evaluating applications for grants, proposed cooperative agreements, and contract bids; and

(ii) specify the criteria and factors which shall be considered in making such evaluations;

(E) describe the procedures which shall be utilized in reviewing educational programs which have been identified by or submitted to the Secretary for evaluation in accordance with section 941(d); and

(F) require that the performance of all recipients of grants from and contracts and cooperative agreements with the Office shall be periodically evaluated, both during and at the conclusion of their receipt of assistance.

(3) PUBLICATION AND PROMULGATION OF STANDARDS.—

(A) The Assistant Secretary shall publish proposed standards—

(i) which meet the requirements of subparagraphs (A), (B), (C), and (D) of paragraph (2) not later than 1 year after the date of the enactment of this title;

(ii) which meet the requirements of paragraph (2)(E) not later than 2 years after such date; and

(iii) which meet the requirements of subparagraph (F) of paragraph (2) not later than 3 years after such date.

(B) Following the publication of such proposed standards, the Assistant Secretary shall solicit comments from interested members of the public with respect to such proposed standards for a period of not more than 120 days. After giving due consideration to any comments which may have been received, the Assistant Secretary shall transmit such standards to the Board for its review and approval.

(C) Upon the approval of the Board, the Assistant Secretary shall transmit final standards to the Secretary which meet the requirements of the particular subparagraphs of paragraph (2) for which such standards were de-

veloped. Such standards shall be binding upon all activities carried out with funds appropriated pursuant to subsection (m).

(j) ADDITIONAL RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—In carrying out the activities and programs of the Office, the Assistant Secretary—

(1) shall be guided by the Research Priorities Plan developed by the Assistant Secretary working collaboratively with the Board and which has been approved by the Board;

(2) shall ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

(3) shall ensure that the selection of research topics and the administration of the program are free from undue partisan political influence;

(4) shall ensure that all statistics and other data collected and reported by the Office shall be collected, cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status whenever feasible (and when such data collection or analysis is not feasible, ensure that the relevant report or document includes an explanation as to why such data collection or analysis is not feasible);

(5) is authorized to administer funds to support a single project when more than one Federal agency uses funds to support such project, and the Assistant Secretary may act for all such agencies in administering such funds; and

(6) is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau, to ensure that no student is—

(A) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(B) grouped or otherwise labeled in such a way that may impede such student's achievement.

(k) INDEPENDENT EVALUATIONS.—The Secretary shall enter into one or more contracts for the conduct of an independent evaluation of the effectiveness of the implementation of the provisions of this title. Such evaluations shall be transmitted to the Congress, the President, and the Assistant Secretary not later than 54 months after the date of the enactment of this title.

(l) DEFINITIONS.—For purposes of this title, the following definitions apply:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act.

(2) AT-RISK STUDENT.—The term "at-risk student" means a student who, because of limited English proficiency, poverty, race, geographic location, or economic disadvantage, faces a

greater risk of low educational achievement or reduced academic expectations.

(3) BOARD.—*The term "Board" means the National Educational Research Policy and Priorities Board.*

(4) DEVELOPMENT.—*The term "development"—*

(A) means the systematic use, adaptation, and transformation of knowledge and understanding gained from research to create alternatives, policies, products, methods, practices, or materials which can contribute to the improvement of educational practice; and

(B) includes the design and development of prototypes and the testing of such prototypes for the purposes of establishing their feasibility, reliability, and cost-effectiveness.

(5) DISSEMINATION.—*The term "dissemination" means the communication and transfer, through the provision of technical assistance and other means, of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public.*

(6) EDUCATIONAL RESEARCH.—*The term "educational research" includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education.*

(7) FIELD-INITIATED RESEARCH.—*The term "field-initiated research" means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding.*

(8) NATIONAL EDUCATION DISSEMINATION SYSTEM.—*The term "national education dissemination system" means the activities carried out by the Office of Reform Assistance and Dissemination established by section 941.*

(9) OFFICE.—*The term "Office", unless otherwise specified, means the Office of Educational Research and Improvement established in section 209 of the Department of Education Organization Act.*

(10) NATIONAL RESEARCH INSTITUTE.—*The term "national research institute" means an institute established in section 931.*

(11) TECHNICAL ASSISTANCE.—*The term "technical assistance" means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning, and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.*

(12) UNITED STATES; STATE.—*The terms "United States" and "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact*

of Free Association with the Government of Palau), the Republic of the Marshall Islands, and the Federated States of Micronesia.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL INSTITUTES.—

(A) For the purpose of carrying out section 931, there is authorized to be appropriated $68,000,000 for fiscal year 1995.

(B)(i) For the purpose of carrying out the provisions of section 931 relating to the National Institute on Student Achievement, Curriculum, and Assessment and the National Institute on the Education of At-Risk Students, there are authorized to be appropriated $60,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

(ii) Of the total amounts appropriated pursuant to clause (i)—

(I) 50 percent shall be used by the Assistant Secretary for the purpose of carrying out the provisions of section 931 relating to the National Institute on the Education of At-Risk Students; and

(II) 50 percent shall be used for the purpose of carrying out the provisions of section 931 relating to the National Institute on Student Achievement, Curriculum, and Assessment.

(C) For the purpose of carrying out the provisions of section 931 relating to the National Institute on Educational Governance, Finance, Policy-Making, and Management, there are authorized to be appropriated $10,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

(D) For the purpose of carrying out the provisions of section 931 relating to the National Institute on Early Childhood Development and Education, there are authorized to be appropriated $15,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

(E) For the purpose of carrying out the provisions of section 931 relating to the National Institute on Postsecondary Education, Libraries, and Lifelong Learning, there are authorized to be appropriated $15,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

(F) COORDINATION AND SYNTHESIS.—The Assistant Secretary is authorized to reserve not more than 10 percent of the total amounts appropriated in any fiscal year pursuant to subparagraphs (A) through (E) (but not more than 33 percent of the amount appropriated for any single institute in any fiscal year) for the purposes of supporting coordination and synthesis activities described in section 931(i) or to address other priorities which are consistent with the Research Priorities Plan developed by the Assistant Secretary and approved by the Board.

(2) NATIONAL EDUCATION DISSEMINATION SYSTEM.—

(A)(i) For the purpose of carrying out paragraph (2) of subsection (b) and subsections (c) through (g) of section 941, there are authorized to be appropriated $23,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999.

(ii) Of the amount appropriated under clause (i) for any fiscal year, the Secretary shall make available not less than $8,000,000 to carry out subsection (f) of section 941 (relating to Educational Resources Information Center Clearinghouses).

(B) For the purpose of carrying out subsection (h) of section 941 (relating to regional educational laboratories), there are authorized to be appropriated $41,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999. Of the amounts appropriated under the preceding sentence for a fiscal year, the Secretary shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

(C) For the purpose of carrying out subsection (j) of section 941 (relating to the teacher research dissemination demonstration program) there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999.

(D) For the purpose of carrying out subsection (i) of section 941 (relating to the Goals 2000 Community Partnerships program), there are authorized to be appropriated $30,000,000 for fiscal year 1995, $50,000,000 for fiscal year 1996, and such sums as are necessary for each of the fiscal years 1997 and 1999.

(3) NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD.—Of the amounts appropriated under paragraphs (1) and (2) for any fiscal year, the Secretary shall make available 2 percent of such amounts, or $1,000,000, whichever is less, for the purpose of supporting the activities and expenses of the Board and the collaborative development of the Research Priorities Plan by the Assistant Secretary and the Board.

(4) ALLOCATIONS FOR GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Of the amounts appropriated under paragraph (1) or (2) for any fiscal year, not less than 95 percent shall be expended to carry out the purposes described in such paragraphs through grants, cooperative agreements, or contracts.

(5) LIMITATIONS ON APPROPRIATIONS.—No amounts are authorized to be appropriated under paragraph (1) or (2) for fiscal year 1996 or any fiscal year thereafter unless the Board has been appointed in accordance with section 921.

(6) GRANT AUTHORIZED.—

(A) IN GENERAL.—From the amounts appropriated pursuant to paragraph (1) for any fiscal year, the Secretary is authorized, in accordance with the provisions of this paragraph, to award a grant of not more than $5,000,000 to a

public or private institution, agency or organization for a period not to exceed 5 years for the purpose of conducting a State-by-State poll to determine the perceptions of recent graduates of secondary schools, their instructors in institutions of higher education, parents of recent such graduates, and employers of recent such graduates on how well schools have prepared students for further education or employment.

(B) MATCHING REQUIREMENT.—The grant described in subparagraph (A) shall be awarded on a competitive basis and shall be matched on a two-to-one basis by the recipient.

SEC. 913. ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT.

Subsection (b) of section 202 of the Department of Education Organization Act is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(2) by adding at the end the following new paragraph:

"(3) There shall be in the Department an Assistant Secretary for Educational Research and Improvement who shall be—

"(A) appointed by the President, by and with the consent of the Senate; and

"(B) selected (giving due consideration to recommendations from the National Educational Research Policy and Priorities Board) from among individuals who—

"(i) are distinguished educational researchers or practitioners;

"(ii) have proven management ability; and

"(iii) have substantial knowledge of education within the United States.".

SEC. 914. SAVINGS PROVISION.

Notwithstanding any other provision of law, contracts for the regional educational laboratories, Educational Resources Information Center Clearinghouses and research and development centers and regional educational laboratories assisted under section 405 of the General Education Provisions Act, as such section was in effect on the day before the date of the enactment of this title, shall remain in effect until the termination date of such contracts.

SEC. 915. EXISTING GRANTS AND CONTRACTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, grants and contracts for the research and development centers assisted under section 405 of the General Education Provisions Act, as such section was in effect on the day before the date of enactment of this Act, shall remain in effect until the termination date of such grants or contracts, as the case may be, except that such grants and contracts may be extended to implement the provisions of this title.

(b) USE OF FUNDS.—In carrying out subsection (a), the Secretary shall use funds appropriated pursuant to section 912(m)(1).

PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

SEC. 921. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) IN GENERAL.—There is established within the Office a National Educational Research Policy and Priorities Board.

(b) FUNCTIONS.—It shall be the responsibility of the Board to—

(1) work collaboratively with the Assistant Secretary to determine priorities that should guide the work of the Office and provide guidance to the Congress in its oversight of the Office;

(2) review and approve the Research Priorities Plan developed by the Assistant Secretary in collaboration with the Board;

(3) review and approve standards for the conduct and evaluation of all research, development, and dissemination carried out under the auspices of the Office pursuant to this title; and

(4) review regularly, evaluate, and publicly comment upon, the implementation of its recommended priorities and policies by the Department and the Congress.

(c) ADDITIONAL RESPONSIBILITIES OF THE BOARD.—It shall also be the responsibility of the Board to—

(1) provide advice and assistance to the Assistant Secretary in carrying out the coordination activities described in section 912;

(2) make recommendations to the Assistant Secretary of persons qualified to fulfill the responsibilities of the Director of each research institute established by section 931 after making special efforts to identify qualified women and minorities and soliciting and giving due consideration to recommendations from professional associations and interested members of the public;

(3) advise and make recommendations to the President with respect to individuals who are qualified to fulfill the responsibilities of the Assistant Secretary for the Office;

(4) review and comment upon proposed contract grant, and cooperative agreement proposals in accordance with section 931(c)(4);

(5) advise the United States on the Federal educational research and development effort;

(6) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(7) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(8) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(9) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this title by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

(10) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination; and

(11) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups.

(d) STANDING SUBCOMMITTEES.—The Board may establish a standing subcommittee for each of the Institutes established by section 931 and for the Office of Reform Assistance and Dissemination established by section 941(b) which shall advise, assist, consult with and make recommendations to the Assistant Secretary, the Board, the Director of such entity and the Congress on matters related to the activities carried out by and through such entities.

(e) POWERS OF THE BOARD.—In carrying out its functions, powers, and responsibilities, the Board—

(1) shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule who shall assist in carrying out and managing the activities of the Board and perform such other functions the Board determines to be necessary and appropriate;

(2) shall utilize such additional staff as may be appointed or assigned by the Assistant Secretary;

(3) may arrange for the detail of staff personnel and utilize the services and facilities of any department or agency of the Federal Government;

(4) may enter into contracts, or make other arrangements as may be necessary to carry out its functions;

(5) shall participate in any public meetings or other activities carried out by the Assistant Secretary in the development of the Research Priorities Plan;

(6) may review any grant, contract, or cooperative agreement made or entered into by the Office;

(7) may, to the extent otherwise permitted by law, obtain directly from any department or agency of the United States such information as the Board deems necessary to carry out its responsibilities;

(8) may convene workshops and conferences, collect data, and establish subcommittees which may be composed of members of the Board and nonmember consultants (including employees of the Department of Education) with expertise in the particular area addressed by such subcommittees; and

(9) shall establish such rules and procedures to govern its operations as it considers appropriate, to the extent otherwise permitted by law.

(f) MEMBERSHIP IN GENERAL.—

(1) QUALIFICATIONS.—The members of the Board shall be individuals who, by virtue of their training, experience, and background in educational research and the education professions, are exceptionally qualified to appraise the educational re-

search and development effort of the United States and to fulfill the responsibilities described in subsections (b) and (c).

(2) BROAD REPRESENTATION.—Due consideration shall be given to the gender, race, and ethnicity of appointees to assure that the Board is broadly representative of the diversity of the United States.

(3) LIMITATION.—A voting member of the Board may not serve on any other governing or advisory board within the Department of Education or as a paid consultant of such Department.

(4) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(g) SECRETARIAL APPOINTMENTS.—The Board shall consist of 15 members appointed by the Secretary. Of the members of the Board—

(1) five shall be appointed from among researchers in the field of education who have been nominated by the National Academy of Sciences;

(2) five shall be outstanding school-based professional educators; and

(3) five shall be individuals who are knowledgeable about the educational needs of the United States and may include parents with experience in promoting parental involvement in education, Chief State School Officers, local educational agency superintendents, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(h) REQUIREMENTS FOR NOMINATIONS BY THE NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—In making nominations for the members of the Board described in subsection (g)(1), the National Academy of Sciences—

(A) shall give due consideration to recommendations from research and education organizations;

(B) may not nominate any individual who is an elected officer or employee of such organization; and

(C) shall nominate not less than 5 individuals for each of the positions on the Board for which such organization has responsibility for making nominations.

(2) REQUEST FOR ADDITIONAL NOMINATIONS.—In the event that the Secretary determines that none of the individuals nominated by the National Academy of Sciences meets the qualifications for membership on the Board specified in subsection (g), the Secretary may request that such organization make additional nominations.

(i) NOMINATIONS FOR BOARD MEMBERSHIP.—Prior to appointing any member of the Board, the Secretary shall actively solicit and give due consideration to recommendations from organizations such as the National Education Association, the American Federation of Teachers, the National Parent-Teachers Association, the American Library Association, the American Association of School Administrators, the National Association of State Boards of Edu-

cation, the National Indian School Board Association, the Association of Community Tribal Schools, the National Indian Education Association, and other education-related organizations and interested members of the public.

(j) EX OFFICIO MEMBERS.—The ex officio, nonvoting members of the Board shall include the Assistant Secretary and may also include—

(1) the Director of Research for the Department of Defense;

(2) the Director of Research for the Department of Labor;

(3) the Director of the National Science Foundation;

(4) the Director of the National Institutes of Health;

(5) the chair of the National Endowment for the Arts;

(6) the chair of the National Endowment for the Humanities;

(7) the Librarian of Congress; and

(8) the Director of the Office of Indian Education Programs of the Department of the Interior.

(k) CHAIR.—The Board shall select a Chair from among its appointed members who shall serve for a renewable term of 2 years.

(l) TERMS OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term of office of each voting member of the Board shall be 6 years.

(2) EXCEPTIONS.—(A) Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term for which the predecessor of the individual was appointed shall be appointed for the remainder of the term. A vacancy shall be filled in the same manner in which the original appointment was made.

(B) The terms of office of the members of the Board who first take office after the date of the enactment of this title shall, as designated by a random selection process at the time of appointment, be as follows:

(i) 3 years for each of 5 members of the Board.

(ii) 4 years for each of 5 members of the Board.

(iii) 6 years for each of 5 members of the Board.

(3) PROHIBITION ON CERTAIN CONSECUTIVE TERMS.—An individual who has been a member of the Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period beginning on the date of the expiration of the 12th year.

(4) PROHIBITION REGARDING REMOVAL.—The Secretary shall neither remove nor encourage the departure of a member of the Board before the expiration of such member's term.

(m) MEETINGS OF BOARD.—

(1) INITIAL MEETING.—The Secretary shall ensure that the first meeting of the Board is held not later than May 15, 1995.

(2) SUBSEQUENT MEETINGS.—The Board shall meet quarterly, at the call of the Chair, and when at least one-third of the members of the Board make a written request to meet.

(3) QUORUM.—A majority of the Board shall constitute a quorum.

(4) OPEN MEETINGS.—The Government in the Sunshine Act (5 U.S.C. 552b) shall apply to meetings of the Board.

PART C—NATIONAL RESEARCH INSTITUTES

SEC. 931. ESTABLISHMENT WITHIN THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) ESTABLISHMENT OF INSTITUTES.—In order to fulfill the research and development purposes of the Office, and to carry out a program of high-quality and rigorously evaluated research and development that is capable of improving Federal, State, Indian tribal, and local education policies and practices, there are established within the Office the following Institutes:

(1) The National Institute on Student Achievement, Curriculum, and Assessment.

(2) The National Institute on the Education of At-Risk Students.

(3) The National Institute on Educational Governance, Finance, Policy-Making, and Management.

(4) The National Institute on Early Childhood Development and Education.

(5) The National Institute on Postsecondary Education, Libraries, and Lifelong Education.

(b) DIRECTORS.—

(1) IN GENERAL.—Each Institute established by subsection (a) shall be headed by a Director who shall be appointed by the Assistant Secretary from among individuals who have significant experience and expertise in the disciplines relevant to the purposes of such Institute. The Assistant Secretary shall give due consideration to recommendations made by the Board of individuals qualified to fill the position.

(2) REPORTING.—Each Director shall report directly to the Assistant Secretary regarding the activities of the Institute and shall work with the other directors to promote research synthesis across the Institutes.

(c) AUTHORITIES AND DUTIES.—

(1) IN GENERAL.—The Assistant Secretary is authorized to conduct research, development, demonstration, and evaluation activities to carry out the purposes for which such Institute was established—

(A) directly;

(B) through grants, contracts, and cooperative agreements with institutions of higher education, regional educational laboratories, public and private organizations, institutions, agencies, and individuals, or a consortium thereof, which may include—

(i) grants to support research and development centers which are—

(I) awarded competitively for a period of 5 years and which may be renewed for an additional 5 years;

(II) of sufficient size, scope, and quality, and funded at not less than $1,500,000 annually in order to support a full range of basic research, applied research and dissemination activities, which may also include development activities; and

(III) established by institutions of higher education, by institutions of higher education in consortium with public agencies or private nonprofit organizations, or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development;

(ii) meritorious unsolicited proposals for educational research and related activities;

(iii) proposals that are specifically invited or requested by the Assistant Secretary, on a competitive basis; and

(iv) dissertation grants, awarded for a period of not more than 2 years and in a total amount not to exceed $20,000 to graduate students in the sciences, humanities, and the arts to support research by such scholars in the field of education;

(C) through the provision of technical assistance;

(D) through the award of fellowships to support graduate study in educational research by qualified African-American, Hispanic, American Indian and Alaska Native, and other individuals from groups which have been traditionally underrepresented in the field of educational research which shall—

(i) be awarded on the basis of merit for a period of 3 years; and

(ii) provide stipends to each fellow in an amount which shall be set at a level of support comparable to that provided by the National Science Foundation Graduate Fellowships, except that such amounts shall be adjusted as necessary so as not to exceed each fellow's demonstrated level of need; and

(E) through the award of fellowships in the Office for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research which—

(i) shall be awarded following the biennial publication in the Federal Register of proposed research priorities and a period of 60 days for public comments and suggestions with respect to such priorities;

(ii) shall be awarded competitively following the publication of a notice in the Federal Register inviting the submission of applications;

(iii) may include such stipends and allowances, including travel and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate;

(2) SCOPE AND FOCUS OF ACTIVITIES.—In carrying out the purposes for which each Institute is established, the Assistant Secretary shall—

(A) maintain an appropriate balance between applied and basic research;

(B) significantly expand the role of field-initiated research in meeting the education research and development needs of the United States by reserving not less than 20 percent of the amounts available to each Institute in fiscal years 1996 and 1997 and 25 percent in fiscal years 1998 and 1999 to support field-initiated research;

(C) provide for and maintain a stable foundation of long-term research and development on core issues and concerns conducted through university-based research and development centers by reserving not less than one-third of the amounts available to each Institute in any fiscal year to support such research and development centers;

(D) support and provide research information that leads to policy formation by State legislatures, State and local boards of education, schools funded by the Bureau, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(E) promote research that is related to the core content areas;

(F) plan and coordinate syntheses that provide research knowledge related to each level of the education system (from preschool to postsecondary education) to increase understanding of student performance across different educational levels;

(G) conduct and support research in early childhood, elementary and secondary, vocational, adult and postsecondary education (including the professional development of teachers) to the extent that such research is related to the purposes for which such Institute has been established;

(H) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of its work; and

(I) coordinate the Institute's activities with the activities of the regional educational laboratories and with other educational service organizations in designing the Institute's research agenda and projects in order to increase the responsiveness of such Institute to the needs of teachers and the educational field and to bring research findings directly into schools to ensure greatest access at the local level to the latest research developments.

(3) REQUIREMENTS REGARDING FINANCIAL ASSISTANCE.—No grant, contract, or cooperative agreement may be made under this title unless—

(A) sufficient notice of the availability of, and opportunity to compete for, assistance has first been provided to potential applicants through notice published in the Federal Register or other appropriate means;

(B) such grant, contract, or agreement has been evaluated through peer review in accordance with the standards developed pursuant to 912(i);

(C) such grant, contract, or agreement will be evaluated in accordance with the standards developed pursuant to section 912(i);

(D) in the case of a grant, contract, or cooperative agreement which exceeds $500,000 for a single fiscal year or $1,000,000 for more than one fiscal year, the Secretary has complied with the requirements of paragraph (4); and

(E) in the case of a grant, contract, or cooperative agreement to support a research and development center, all applications for such assistance have been evaluated by independent experts according to standards and criteria which include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff will devote a majority of their time to the activities of the center;

(v) review of the contributions of primary researchers (other than researchers at the proposed center) to evaluate the appropriateness of such primary researcher's experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researcher's time commitment to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use, including how the center will work with the Office of Reform Assistance and Dissemination.

(4) BOARD REVIEW OF CERTAIN PROPOSED GRANT AND CONTRACT ACTIONS.—The Assistant Secretary may not solicit any contract bid or issue a request for proposals or applications for any grant or cooperative agreement the amount of which exceeds $500,000 in any single fiscal year or which exceeds an aggregate amount of $1,000,000 for more than one fiscal year unless the Board has had an opportunity to review such proposed grant, contract, or cooperative agreement and to provide written comments to the Assistant Secretary with respect to whether—

(A) the purposes and scope of the proposed action are consistent with the Research Priorities Plan; and

(B) the methodology and approach of the proposed action are sound and adequate to achieve the objectives of such grant, contract, or cooperative agreement.

(5) HISTORICALLY UNDERUTILIZED RESEARCHERS AND INSTITUTIONS.—The Assistant Secretary shall establish and maintain initiatives and programs to increase the participation in the activities of each Institute of groups of researchers and institutions that have been historically underutilized in Federal educational research activities, including—

(A) researchers who are women, African-American, Hispanic, American Indian and Alaska Native, or other ethnic minorities;

(B) promising young or new researchers in the field, such as postdoctoral students and recently appointed assistant or associate professors;

(C) Historically Black Colleges and Universities, Tribally Controlled Community Colleges, and other institutions of higher education with large numbers of minority students;

(D) institutions of higher education located in rural areas; and

(E) institutions and researchers located in States and regions of the United States which have historically received the least Federal support for educational research and development.

(6) ADDITIONAL AUTHORITIES.—The Assistant Secretary—

(A) may obtain (in accordance with section 3109 of title 5 but without regard to the limitation in such section on the period of service) the services of experts or consultants with scientific or professional qualifications in the disciplines relevant to the purposes of such Institute;

(B) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefore; and

(C) may accept voluntary and uncompensated services.

(d) NATIONAL INSTITUTE ON STUDENT ACHIEVEMENT, CURRICULUM, AND ASSESSMENT.—

(1) FINDINGS.—The Congress finds as follows:

(A) The current achievement levels of students in the United States are far below those that might indicate competency in challenging subject matter in core content areas.

(B) During the last 20 years, relatively little changed in how students were taught. Despite much research suggesting better alternatives, classrooms continue to be dominated by textbooks, teacher lectures, short-answer activity sheets, and unequal patterns of student attention.

(C) Despite progress in narrowing the gaps, the differences in performance between Caucasian students and their minority counterparts remain unacceptably large. While progress has been made in reducing the gender gap in mathematics, such gap still remains at higher levels of problem solving. Too little progress has been made in reducing gender performance gaps favoring males in science and females in writing.

(2) PURPOSE.—The purpose of the National Institute on Student Achievement, Curriculum, and Assessment is to carry out a coordinated and comprehensive program of research and development to provide research-based leadership to the United States as it seeks to improve student achievement in core content areas and the integration of such areas. Such program shall—

(A) identify, develop, and evaluate innovative and exemplary methods to improve student knowledge at all levels in the core content areas, such as—

(i) student learning and assessment in various subject matters;

(ii) the effects of organizational patterns on the delivery of instruction, including issues of grouping and tracking, ungraded classrooms, and on the effects of various pedagogies, including the issues of technology in education;

(iii) standards for what students should know and be able to do, particularly standards of desired performance set to internationally competitive levels;

(iv) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(v) enabling students to develop higher order thinking skills;

(vi) methods to teach effectively all students in mixed-ability classrooms;

(vii) curriculum, instruction, and assessment, in vocational education and school-to-work transition;

(viii) the impact and effectiveness of Federal, State, and local efforts to provide gender-fair educational opportunities to elementary and secondary students;

(ix) programs, policies, approaches which promote gender equity in elementary and secondary education;

(x) improving the working conditions of teachers and other educational practitioners, which may include such topics as—

(I) teacher isolation;

(II) professional resources available to teachers;

(III) continuing educational and professional opportunities available to teachers;

(IV) physical facilities and equipment, such as office space, telephone, computer access, and fax machines and television cable access available to teachers in the work environment;

(V) opportunities for teachers to share information and resources with other teachers and education professionals;

(VI) opportunities for advanced learning experience; and

(VII) the reduction of stress in the teaching profession;

(xi) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(xii) the need for, and methods of delivering, teacher education, development, and inservice training;

(xiii) educational methods and activities to reduce and prevent violence in schools;

(xiv) the use of technology in learning, teaching and testing; and

(xv) other topics relevant to the mission of the institute;

(B) conduct basic and applied research in the areas of human learning, cognition, and performance, including research and development on the education contexts which promote excellence in learning and instruction, and motivational issues related to learning;

(C) identify, develop, and evaluate programs designed to enhance academic achievement and narrow racial and gender performance gaps in a variety of subject areas, including research and development on methods of involving parents in their children's education and ways to involve business, industry and other community partners in promoting excellence in schools; and

(D) include a comprehensive, coordinated program of research and development in the area of assessment which—

(i) addresses issues such as—

(I) the validity, reliability, generalizability, costs, relative merits, and most appropriate uses of various approaches and methods of assessing student learning and achievement;

(II) methods and approaches to assessing student opportunities to learn (including the quality of instruction and the availability of resources necessary to support learning) and evaluating the quality of school environment;

(III) the impact of high-stakes uses of assessment on student performance and motivation, narrowing of curriculum, teaching practices, and test integrity;

(IV) the impact of various methods of assessment on children of different races, ethnicities, gender, socioeconomic status, and English language proficiencies, and children with other special needs;

(V) standards of performance, quality, and validity for various methods of assessment and the means by which such standards should be developed;

(VI) current and emerging testing practices of State and local education agencies within the United States, as well as other nations;

(VII) the diverse effects, both intended and unintended, of assessments as actually used in the schools, including effects on curriculum and instruction, effects on equity in the allocation of resources and opportunities, effects on equity of outcomes, effects on other procedures and standards for judging students and practitioners and possible inflation of test scores;

(VIII) identifying and evaluating how students with limited-English proficiency and students with disabilities are included and accommodated in the various assessment programs of State and local education agencies;

(IX) the feasibility and validity of comparing or equating the results of different assessments;

(X) test security, accountability, validity, reliability, and objectivity;

(XI) relevant teacher training and instruction in giving a test, scoring a test, and in the use of test results to improve student achievement;

(XII) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge; and

(XIII) other topics relevant to the purposes of the Institute; and

(ii) may reflect recommendations made by the National Education Goals Panel.

(e) NATIONAL INSTITUTE ON THE EDUCATION OF AT-RISK STUDENTS.—

(1) FINDINGS.—The Congress finds as follows:

(A) The rate of decline in our urban schools is escalating at a rapid pace. Student performance in most inner city schools grows worse each year. At least half of all students entering ninth grade fail to graduate 4 years later and many more students from high-poverty backgrounds leave school with skills that are inadequate for today's workplace. Student performance in many inner city neighborhoods grows worse each year. At least half of all students entering ninth grade fail to graduate in 4 years. In 1992, the average National Assessment of Educational Progress reading score of Caucasian 17 year-olds was approximately 25 points higher than that of African American 17 year-olds and 20 points higher than that of Hispanic 17 year-olds.

(B) Rural schools enroll a disproportionately large share of the poor and at-risk students of the United States and yet often lack the means to address effectively the needs of these children. Intensive efforts should be made to overcome the problems of geographic isolation, declining population, inadequate financial resources and other impediments to the educational success of children residing in rural areas.

(C) By the year 2000, an estimated 3,400,000 school age children with limited-English proficiency will be entering the school system. The Federal Government should develop effective policies and programs to address the educational needs of this growing population of children who are at increased risk of educational failure.

(D) An educational emergency exists in those urban and rural areas where there are large concentrations of children who live in poverty. The numbers of disadvan-

taged children will substantially increase by the year 2020, when the number of impoverished children alone will be 16,500,000, a 33 percent increase over the 12,400,000 children in poverty in 1987.

(E) American Indian and Alaska Native students have high dropout, illiteracy and poverty rates, and experience cultural, linguistic, social and geographic isolation. The estimated 400,000 Indian and Alaska Native student population from over 500 Indian and Alaska Native tribes, is small and scattered throughout remote reservations and villages in 32 States, and in off-reservation rural and urban communities where Indians constitute but a small percentage of public school student bodies. To meaningfully address the special educational needs of this historically under-served population, the existing research and development system should be opened to Indian and Alaska Native people to identify needs and design ways to address such needs.

(F) Minority scholars as well as institutions and groups that have been historically committed to the improvement of the education of at-risk students need to be more fully mobilized in the effort to develop a new generation of programs, models, practices, and schools capable of responding to the urgent needs of students who are educationally at-risk.

(2) PURPOSE.—It shall be the purpose of the Institute on the Education of At-Risk Students to carry out a coordinated and comprehensive program of research and development to provide nonpartisan, research-based leadership to the United States as it seeks to improve educational opportunities for at-risk students. Such program shall—

(A) undertake research necessary to provide a sound basis from which to identify, develop, evaluate, and assist others to replicate and adapt interventions, programs, and models which promote greater achievement and educational success by at-risk students, such as—

(i) methods of instruction and educational practices (including community services) which improve the achievement and retention of at-risk students;

(ii) the quality of educational opportunities afforded at-risk students, particularly the quality of educational opportunities afforded such students in highly concentrated urban areas and sparsely populated rural areas;

(iii) methods for overcoming the barriers to learning that may impede student achievement;

(iv) innovative teacher training and professional development methods to help at-risk students meet challenging standards;

(v) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau, but also in public elementary and secondary schools located on or near Indian reservations, including—

(I) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau on an Indian reservation;

(II) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(III) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(IV) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(V) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors;

(vi) means by which parents and community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(vii) the training of teachers and other educational professionals and paraprofessionals to work more effectively with at-risk students;

(viii) the most effective uses of technology in the education of at-risk students;

(ix) programs designed to promote gender equity in schools that serve at-risk students;

(x) improving the ability of classroom teachers and schools to assist new and diverse populations of students in successfully assimilating into the classroom environment;

(xi) methods of assessing the achievement of students which are sensitive to cultural differences, provide multiple methods of assessing student learning, support student acquisition of higher order capabilities, and enable identification of the effects of inequalities in the resources available to support the learning of children throughout the United States;

(xii) other topics relevant to the purpose of the Institute; and

(B) maximize the participation of those schools and institutions of higher education that serve the greatest number of at-risk students in inner city and rural areas, and on Indian reservations, including model collaborative pro-

grams between schools and school systems, institutions of higher education, cultural institutions, and community organizations.

(3) CONSULTATION WITH INDIAN AND ALASKA NATIVE EDUCATORS.*—All research and development activities supported by the Institute which relate to the education of Indian and Alaska Native students shall be developed in close consultation with Indian and Alaska Native researchers and educators, tribally controlled community colleges, tribal departments of education, and others with expertise in the needs of Indian and Native Alaska students.*

(f) NATIONAL INSTITUTE ON EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—

(1) FINDINGS.*—The Congress finds as follows:*

(A) Despite efforts to expand and improve preschool programs, many children still reach school age unprepared to benefit from formal education programs.

(B) Early intervention for disadvantaged children from birth to age five has been shown to be a highly cost-effective strategy for reducing later expenditures on a wide variety of health, developmental, and educational problems that often interfere with learning. Long-term studies of the benefits of preschool education have a demonstrated return on investment ranging from three to six dollars for every one dollar spent.

(C) The Federal Government should play a central role in providing research-based information on early childhood education models which enhance children's development and ultimately their success in school.

(2) PURPOSE.*—The purpose of the National Institute on Early Childhood Development and Education is to carry out a comprehensive program of research and development to provide nonpartisan, research-based leadership to the United States as it seeks to improve early childhood development and education. Such program shall undertake research necessary to provide a sound basis from which to identify, develop, evaluate, and assist others to replicate methods and approaches that promise to improve early childhood development and education, such as—*

(A) social and educational development of infants, toddlers, and preschool children;

(B) the role of parents and the community in promoting the successful social and educational development of children from birth to age five;

(C) topics relating to children's readiness to learn, such as prenatal care, nutrition, and health services;

(D) family literacy and parental involvement in student learning;

(E) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(F) practices and approaches which sustain the benefits of effective preschool and child care programs;

(G) effective learning methods and curriculum for early childhood learning, including access to current materials in libraries;

(H) the importance of family literacy and parental involvement in student learning;

(I) effective teaching and learning methods, and curriculum;

(J) instruction that considers the cultural environment of children;

(K) access to current materials in libraries;

(L) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(M) the structure and environment of early childhood education and child care settings which lead to improved social and educational development;

(N) training and preparation of teachers and other professional and paraprofessional preschool and child care workers;

(O) the use of technology, including methods to help parents instruct their children; and

(P) other topics relevant to the purpose of the Institute.

(3) CERTAIN REQUIREMENTS.—In carrying out the activities of the Institute, the Assistant Secretary shall ensure that the Institute's research and development program provides information that can be utilized in improving the major Federal early childhood education programs.

(g) NATIONAL INSTITUTE ON EDUCATIONAL GOVERNANCE, FINANCE, POLICY-MAKING, AND MANAGEMENT.—

(1) FINDINGS.—The Congress finds as follows:

(A) Many elementary and secondary schools in the United States—

(i) are structured according to models that are ineffective and rely on notions of management and governance that may be outdated or insufficient for the challenges of the next century; and

(ii) are unsuccessful in equipping all students with the knowledge and skills needed to succeed as citizens and in the working world.

(B) New approaches are needed in the governance and management of elementary and secondary education within the United States at the State, local, school building and classroom level.

(C) Not enough is known about the effects of various systems of school governance and management on student achievement to provide sound guidance to policymakers as such policymakers pursue school restructuring and reform.

(D) A concentrated Federal effort is needed to support research, development, demonstration, and evaluation of approaches to school governance, finance and management which promise to improve education equity and excellence throughout the United States.

(2) PURPOSE.—It shall be the purpose of the National Institute on Educational Governance, Finance, Policy-Making, and Management to carry out a coordinated and comprehensive pro-

gram of research and development to provide nonpartisan, research-based leadership to the United States as it seeks to improve student achievement through school restructuring and reform. Such program shall undertake research necessary to provide a sound basis from which to identify, develop and evaluate approaches in elementary and secondary school governance, finance, policy-making, and management at the State, local, tribal, school building and classroom level which promise to improve educational equity and excellence, such as—

(A) open enrollment programs, public school choice, magnet schools and other systems through which parents may select the public schools and educational programs in which their children are enrolled;

(B) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 102 of the Education Council Act of 1991 (20 U.S.C. 1221–1 note);

(C) effective approaches to organizing learning;

(D) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(E) effective approaches to organizing, structuring, and financing vocational education;

(F) the provision of financial and other rewards and incentives to schools and educators based on performance to improve student achievement;

(G) the use of regulatory flexibility on the State or school district level to promote innovation and school restructuring;

(H) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(I) the effective use of dollars for classroom construction;

(J) expanding the role of teachers in policymaking and administration at the school and school district-wide level;

(K) disparity in school financing among States, school districts, schools, and schools funded by the Bureau;

(L) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau;

(M) the involvement of parents and families in the management and governance of schools and the education of their children; and

(N) effective approaches to increasing the representation of women and minorities among leadership and management positions in education;

(O) approaches to systemic reforms involving the coordination of multiple policies of each level of government to promote higher levels of student achievement;

(P) approaches to coordinated services for children;

(Q) teacher certification at the State and tribal levels;

(R) school-based management, shared decisionmaking and other innovative school structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(S) policies related to school-to-work transitions and preparing non-college-bound students; and

(T) other topics relevant to the mission of the Institute.

(h) NATIONAL INSTITUTE ON POSTSECONDARY EDUCATION, LIBRARIES, AND LIFELONG LEARNING.—

(1) FINDINGS.—The Congress finds as follows:

(A) The American system of postsecondary education is foremost in the world in such system's achievement of both academic excellence and equity in access, but maintaining that preeminence requires renewed efforts to strengthen the quality of postsecondary education. Disappointing student performance on achievement tests and licensure examinations, declining rates of postsecondary education persistence and completion among minorities, and other troubling trends in the quality of postsecondary education should be addressed by the United States as part of its overall drive to improve American education.

(B) The need to improve our economic productivity of the United States to meet the competitive challenges of a new, international economy, coupled with high levels of mobility in the United States labor market and demographic changes in the workforce, now demands more and higher quality programs of learning and training in the American workplace.

(C) The more than 1,000,000 men and women incarcerated in the prisons and jails in the United States are among the most severely educationally disadvantaged in the United States, with high rates of functional illiteracy and extremely low levels of educational attainment. Since an estimated 90 percent of these individuals are expected to be released by the end of the decade, the United States must act to assure that our correctional system has the means to equip these Americans with the knowledge and skills they will need to participate productively in our society.

(D) The development of a "Nation of Students" capable of and committed to the pursuit of formal and informal lifelong learning and literacy is essential to sustain both national and individual economic success and to provide a nurturing environment in which all children and youth can learn and achieve. Historically the most effective community resource for lifelong learning, the public library system of the United States should expand and restructure its delivery of services to take full advantage of the potential of

new information technologies to meet the needs of learning communities.

(2) PURPOSE.—The purpose of the National Institute on Postsecondary Education, Libraries, and Lifelong Learning is to promote greater coordination of Federal research and development on issues related to adult learning and to carry out a program of research and development in adult learning to provide nonpartisan, research-based leadership to the United States as it seeks to improve libraries, postsecondary education, literacy, and lifelong learning throughout the United States. Such program—

(A) shall only support research and development in those areas of postsecondary education, libraries, literacy, and lifelong learning which are not being addressed by other entities within the Federal Government;

(B) may include basic and applied research, development, replication, and evaluation activities in areas such as—

(i) methods of assessing and evaluating individual, program, and institutional performance;

(ii) the uses and applications of new technologies to improve program effectiveness and enhance student learning;

(iii) the most effective training methods for adults to upgrade education and vocational skills;

(iv) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(v) adult literacy and effective methods, including technology, to eliminate illiteracy;

(vi) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(vii) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills;

(viii) institutional and classroom policies and practices at the postsecondary level necessary to improve matriculation, persistence, achievement and graduation by students who are economically disadvantaged, ethnic and racial minorities, women, older, working, and who have children;

(ix) instructional practices and programs which are effective in correctional settings;

(x) new models of service delivery for public library systems which expand opportunities for lifelong learning;

(xi) effective programs and approaches which promote greater access to and success by minorities in postsecondary programs which prepare such minorities for scientific, technical, teaching, and health career fields;

(xii) effective teaching for the preparation and continuing education of teachers;

(xiii) the development and evaluation of curricular materials for the initial and continuing education of teachers and teacher educators;

(xiv) the role of Historically Black Colleges and Universities, Tribally-Controlled Indian Community Colleges, women's colleges, and other special mission institutions in providing access, excellence, and equal opportunity in higher education;

(xv) methods for evaluating the quality of education at different types of institutions of higher education at all levels and the roles and responsibilities of regional and national accrediting agencies;

(xvi) methods for evaluating the productivity of different types of institutions of higher education;

(xvii) financial barriers to postsecondary educational opportunity, including—

(I) the role of Federal programs authorized under title IV of the Higher Education Act of 1965 and State grant and work programs in mitigating such barriers;

(II) the impact of the rising total cost of postsecondary education on access to higher education;

(III) the extent and impact of student reliance on loans to meet the costs of higher education;

(xviii) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(xix) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks; and

(xx) other topics relevant to mission of the Institute.

(3) INVOLVEMENT OF CERTAIN AGENCIES AND ORGANIZATIONS.—In promoting coordination and collaboration on research and development on issues related to postsecondary education, literacy, libraries, and lifelong learning, the Institute shall, as appropriate, seek the involvement—

(A) within the Department of Education of—

(i) the Office of Library Programs;

(ii) the Office of Correctional Education;

(iii) the Office of Vocational and Adult Education;

(iv) the National Institute on Disability and Rehabilitation Research; and

(v) the Office of Postsecondary Education;

(B) of the National Institute for Literacy;

(C) of the National Board for Professional Teaching Standards;

(D) of the Employment and Training Administration of the Department of Labor;

(E) of the Administration for Children and Families within the Department of Health and Human Services;

(F) of the National Institutes of Health;

(G) of the National Endowment for Humanities;

(H) of the National Endowment for the Arts;

(I) of the Bureau of Prisons of the Department of Justice;

(J) of the Department of Commerce;

(K) of the Department of Defense; and

(L) of the Office of Indian Education Programs of the Department of the Interior.

(4) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities described in paragraph (2), the Assistant Secretary shall ensure that the activities of the National Center on Literacy are fully coordinated with those of the National Institute for Literacy.

(i) COORDINATION AND RESEARCH SYNTHESIS.—The Assistant Secretary shall promote and provide for research syntheses and the coordination of research and development activities among the Institutes established by this section to investigate those cross-cutting disciplines and areas of inquiry which are relevant to the missions of more than one of the Institutes. Such activities—

(1) may be carried out jointly by any one of the Institutes and—

(A) one (or more) of the Institutes;

(B) the National Center for Education Statistics; or

(C) any research and development entity administered by other offices of the Department of Education or by any other Federal agency or department; and

(2) shall meet all the standards developed by the Assistant Secretary and approved by the Board for other research and development conducted by the Office.

(j) DATES FOR ESTABLISHMENT OF INSTITUTES.—The National Institute on the Education of At-Risk Students, the National Institute on Educational Governance, Finance, Policy-Making, and Management, the National Institute on Early Childhood Development and Education, the National Institute on Student Achievement, Curriculum, and Assessment and the National Institute on Postsecondary Education, Libraries, and Lifelong Learning shall each be established on October 1, 1995.

PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM

SEC. 941. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) IN GENERAL.—

(1) FINDINGS.—The Congress finds as follows:

(A) In order to improve the American educational system for all students, achieve the National Education Goals, and provide for greater educational equity, policymakers, administrators, teachers, and parents must have ready access to the best information and methods available as a result of educational research and development.

(B) The Office of Educational Research and Improvement should have as one of its primary purposes the dissemination of such information and methods in order to assist the national education reform effort.

(C) All current resources within the Office, the Department of Education, and other agencies that can help accomplish the purposes described in subparagraph (B) should be coordinated by the Assistant Secretary, to the extent practicable, so as to form a systematic process to accomplish such purposes.

(D) Education research has the capacity to improve teaching and learning in our Nation's schools, however, teachers need training in the skills necessary to translate research into practice and to allow teachers to become knowledgeable practitioners and leaders in educational improvement.

(E) Adequate linkages between research and development providers and practitioners are essential to ensuring that research on effective practice is useful, disseminated to and supported with technical assistance for all educators, and that all educators are partners in the research and development process.

(2) PURPOSE.—The purpose of this section is to—

(A) create a national system of dissemination, development, and educational improvement in order to create, adapt, identify, validate, and disseminate to educators, parents, and policymakers those educational programs that have potential or have been shown to improve educational opportunities for all students; and

(B) empower and increase the capacity of teachers to participate in the research and development process.

(3) DEFINITION OF EDUCATIONAL PROGRAM.—For the purposes of this section, the term "educational program" includes educational policies, research findings, practices, and products.

(b) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—There is established within the Office an Office of Reform Assistance and Dissemination (hereafter in this section referred to as the "Dissemination Office") through which the Secretary shall carry out all functions and activities described in this section. Such office shall be headed by a Director who shall be appointed by the Assistant Secretary and have demonstrated expertise and experience in dissemination, including promoting the effective use of research in the classroom.

(2) CERTAIN DUTIES.—The Dissemination Office shall—

(A) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools, educators, parents, and policymakers throughout the United States;

(B) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(C) provide technical and financial assistance to individuals and organizations in the process of developing

promising educational programs but who might not, without such assistance, be able to complete necessary development and assessment activities;

(D) coordinate the dissemination efforts of the Office, the regional educational laboratories, the research institutes, the National Diffusion Network, and the Educational Resources Information Center Clearinghouses;

(E) provide training and technical assistance regarding the implementation and adoption of exemplary and promising programs by interested entities;

(F) carry out a program of research on models for successful knowledge dissemination, and utilization, and strategies for reaching education policymakers, practitioners, and others interested in education;

(G) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (h), the National Diffusion Network, the Institutes assisted under this section, and the Educational Resources Information Center Clearinghouses; and

(H) provide a biennial report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) ADDITIONAL DUTIES.—The Dissemination Office shall carry out a process for the identification of educational programs that work, dissemination through electronic networking and new technologies and the functions and activities performed by the following:

(A) The Educational Resources Information Center Clearinghouses.

(B) The regional educational laboratories.

(C) The Teacher Research Dissemination Demonstration Program.

(D) The Goals 2000 Community Partnerships Program.

(E) The existing National Diffusion Network and its Developer-Demonstrator and State Facilitator projects.

(F) Such other programs, activities, or entities the Secretary determines are consistent with purposes for which the Dissemination Office is established.

(c) IDENTIFICATION OF PROGRAMS.—The Assistant Secretary shall coordinate a process through which successful educational programs are actively sought out for possible dissemination through the national educational dissemination system. Such process shall, at a minimum, have the capability to—

(1) work closely with the Institutes, research and development centers, regional educational laboratories, the National Diffusion Network and its Developer-Demonstrator and State Facilitator projects, learning grant institutions established under the Goals 2000 Community Partnerships Program, Department of Education-supported technical assistance providers,

and other entities to identify successful educational programs at the regional, State, local, or classroom level;

(2) review successful educational programs supported by the Department of Education through all of its programs;

(3) through cooperative agreements, review for possible inclusion in the system educational programs administered by the Departments of Health and Human Services (particularly the Head Start program), Labor, and Defense, the National Science Foundation, the Department of the Interior (particularly the Office of Indian Education Programs), and any other appropriate Federal agency; and

(4) provide for an active outreach effort to identify successful educational programs through cooperative arrangements with State and local education agencies, teachers and teacher organizations, curriculum associations, foundations, private schools, institutions of higher education, and other entities that could enhance the ability of the Secretary to identify programs for possible inclusion in the dissemination system.

(d) DESIGNATION OF EXEMPLARY AND PROMISING PROGRAMS.—

(1) IN GENERAL.—The Assistant Secretary, in consultation with the Board, shall establish 1 or more panels of appropriately qualified experts and practitioners to—

(A) evaluate educational programs that have been identified by the Secretary under subsection (c) or that have been submitted to the Secretary for such evaluation by some other individual or organization; and

(B) recommend to the Secretary programs that should be designated as exemplary or promising educational programs.

(2) CONSIDERATIONS IN MAKING RECOMMENDATIONS.—In determining whether an educational program should receive a recommendation under paragraph (1), a panel established under such paragraph shall consider—

(A) whether, based on empirical data, which may include test results, the program is effective and should be designated as exemplary and disseminated through the national dissemination system; or

(B) whether there is sufficient evidence to lead a panel of experts and practitioners to believe that the program shows promise for improving student achievement and should be designated as promising and disseminated through the national dissemination system while the program continues to be evaluated.

(3) REQUIREMENT REGARDING APPROVAL OF PROGRAMS.—In seeking out programs for approval under paragraph (2), the Assistant Secretary shall seek programs that may be implemented at the State, local, and classroom level.

(4) REQUIREMENTS REGARDING PANELS.—

(A) A panel shall not eliminate a program from consideration under this subsection based solely on the fact that the program does not have one specific type of supporting data, such as test scores.

(B) The Assistant Secretary may not designate a program as exemplary or promising unless a panel established

under paragraph (1) has recommended that the program be so designated.

(C) The Secretary shall establish such panels under paragraph (1) as may be necessary to ensure that each program identified or submitted for evaluation is evaluated.

(D) Not less than 2/3 of the membership of a panel established under paragraph (1) shall consist of individuals who are not officers or employees of the United States. Members of panels under paragraph (1) who are not employees of the United States shall receive compensation for each day they are engaged in carrying out the duties of the panel as well as compensation for their expenses.

(e) DISSEMINATION OF EXEMPLARY AND PROMISING PROGRAMS.—In order to ensure that programs identified as exemplary or promising are available for adoption by the greatest number of teachers, schools, local and State education agencies, and Bureau-funded schools, the Assistant Secretary shall utilize the capabilities of—

(1) the Educational Resources Information Center Clearinghouses;

(2) electronic networking;

(3) the regional educational laboratories;

(4) the National Diffusion Network;

(5) entities established under the Goals 2000 Community Partnerships Program;

(6) department-supported technical assistance providers;

(7) the National Library of Education; and

(8) other public and private nonprofit entities, including existing education associations and networks, that have the capability to assist educators in adopting exemplary and promising programs.

(f) EDUCATIONAL RESOURCES INFORMATION CENTER CLEARINGHOUSES.—

(1) IN GENERAL.—The Assistant Secretary shall establish a system of 16 clearinghouses having, at a minimum, the functions and scope of work as the clearinghouses had on the day preceding the date of the enactment of this title. The Assistant Secretary shall establish for the clearinghouses a policy for the abstraction from, and inclusion in, the Educational Resources Information Center Clearinghouses system for books, periodicals, reports, and other materials related to education.

(2) ADDITIONAL FUNCTIONS.—In addition to those functions carried out by the clearinghouses on the day preceding the date of the enactment of this title, such clearinghouses may—

(A) periodically produce interpretive summaries, digests, and syntheses of the results and findings of education-related research and development; and

(B) contain and make available to users information concerning those programs designated as exemplary and promising under subsection (d).

(3) COORDINATION OF ACTIVITIES.—The Assistant Secretary shall assure that the functions and activities of such clearinghouses are coordinated with the activities of the Institutes, the regional educational laboratories, learning grant institutions,

other clearinghouses supported by the Department of Education, the National Diffusion Network, and other appropriate entities within the Office and such Department.

(4) SPECIAL RESPONSIBILITIES OF THE SECRETARY.—To assure that the information provided through such clearinghouses is fully comprehensive, the Secretary shall—

(A) require that all reports, studies, and other resources produced directly or by grant or contract with the Department of Education are made available to clearinghouses;

(B) establish cooperative agreements with the Departments of Defense, Health and Human Services, Interior, and other Federal departments and agencies to assure that all education-related reports, studies, and other resources produced directly or by grant from or contract with the Federal Government are made available to such clearinghouses; and

(C) devise an effective system for maximizing the identification, synthesis, and dissemination of information related to the needs of Indian and Alaska Native children.

(5) COPYRIGHT PROHIBITED.—

(A) No clearinghouse or other entity receiving assistance under this subsection may copyright or otherwise charge a royalty or other fee that—

(i) is for the use or redissemination of any database, index, abstract, report, or other information produced with assistance under this subsection; and

(ii) exceeds the incremental cost of disseminating such information.

(B) For purposes of subparagraph (A), the incremental cost of dissemination does not include any portion of the cost of collecting, organizing, or processing the information which is disseminated.

(g) DISSEMINATION THROUGH NEW TECHNOLOGIES.—

(1) IN GENERAL.—The Assistant Secretary is authorized to award grants or contracts in accordance with this subsection to support the development of materials, programs, and resources which utilize new technologies and techniques to synthesize and disseminate research and development findings and other information which can be used to support educational improvement.

(2) ELECTRONIC NETWORKING.—

(A) ELECTRONIC NETWORK.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall establish and maintain an electronic network which shall, at a minimum, link—

(i) each office of the Department of Education;

(ii) the Institutes established by section 931;

(iii) the National Center for Education Statistics;

(iv) the National Library of Education; and

(v) entities engaged in research, development, dissemination, and technical assistance under grant from, or contract, or cooperative agreement with, the Department of Education.

(B) CERTAIN REQUIREMENTS FOR NETWORK.—The network described in subparagraph (A) shall—

(i) to the extent feasible, build upon existing national, regional, and State electronic networks and support video, telecomputing, and interactive communications;

(ii) at a minimum, have the capability to support electronic mail and file transfer services;

(iii) be linked to and accessible to other users, including State and local education agencies, institutions of higher education, museums, libraries, and others through the Internet and the National Research and Education Network; and

(iv) be provided at no cost (excluding the costs of necessary hardware) to the contractors and grantees described in clause (v) of subparagraph (A) and to educational institutions accessing such network through the Internet and the National Research and Education Network.

(C) Information resources.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, may make available through the network described in subparagraph (A)—

(i) information about grant and contract assistance available through the Department of Education;

(ii) an annotated directory of current research and development activities and projects being undertaken with the assistance of the Department of Education;

(iii) information about publications published by the Department of Education and, to the extent feasible, the full text of such publications,

(iv) statistics and data published by the National Center for Education Statistics;

(v) syntheses of research and development findings;

(vi) a directory of other education-related electronic networks and databases, including information about the means by which such networks and databases may be accessed;

(vii) a descriptive listing of materials and courses of instruction provided by telecommunications partnerships assisted under the Star Schools program;

(viii) resources developed by the Educational Resources Information Center Clearinghouses;

(ix) education-related software (including video) which is in the public domain;

(x) a listing of instructional materials available through telecommunications to local education agencies through the Public Broadcasting Service and State educational television networks; and

(xi) such other information and resources the Assistant Secretary considers useful and appropriate.

(D) Evaluations regarding other functions of network.—The Assistant Secretary shall also undertake projects to test and evaluate the feasibility of using the network described in subparagraph (A) for—

(i) the submission of applications for assistance to the Department of Education; and

(ii) the collection of data and other statistics through the National Center for Education Statistics.

(E) TRAINING AND TECHNICAL ASSISTANCE.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall—

(i) provide such training and technical assistance as may be necessary to enable the contractors and grantees described in clause (v) of subparagraph (A) to participate in the electronic network described in such subparagraph; and

(ii) work with the National Science Foundation to provide, upon request, assistance to State and local educational agencies, the Department of the Interior's Office of Indian Education Programs, tribal departments of education, State library agencies, libraries, museums, and other educational institutions in obtaining access to the Internet and the National Research and Education Network.

(h) REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND TECHNICAL ASSISTANCE.—

(1) REGIONAL EDUCATIONAL LABORATORIES.—The Assistant Secretary shall enter into contracts with public or private nonprofit entities to establish a networked system of not less than 10 and not more than 12 regional educational laboratories which serve the needs of each region of the United States in accordance with the provisions of this subsection. The amount of assistance allocated to each laboratory by the Assistant Secretary shall reflect the number of local educational agencies and the number of school-age children within the region served by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.

(2) REGIONS.—The regions served by the regional educational laboratories shall be the 10 geographic regions in existence on the day preceding the date of the enactment of this title, except that in fiscal year 1996, the Assistant Secretary may support not more than 2 additional regional educational laboratories serving regions not in existence on the day preceding the date of enactment of this Act, provided that—

(A) the amount appropriated for the regional educational laboratories in fiscal year 1996 exceeds the amount appropriated for the regional educational laboratories in fiscal year 1995 by not less than $2,000,000;

(B) each such additional regional laboratory shall be supported by not less than $2,000,000 annually;

(C) the creation of any such additional laboratory region is announced at the time of the announcement of the competition for contracts for all regional educational laboratories;

(D) the creation of a regional educational laboratory that involves the combination or subdivision of a region or regions in existence on the day preceding the date of enactment of this Act in which States in 1 such region are com-

bined with States in another such region does not result in any region in existence on such date permanently becoming part of a larger region, nor result in any such region permanently subsuming another region, nor creates within the continental United States a region that is smaller than 4 contiguous States, nor partitions a region in existence on the day preceding the date of the enactment of this Act to include less than 4 contiguous States included in the region on the day preceding the date of enactment of this Act;

(E) the Assistant Secretary has published a notice in the Federal Register inviting the public, for a period of not less than 60 days, to make recommendations with respect to the creation of 1 or 2 additional regional educational laboratories;

(F) the Assistant Secretary has solicited and received letters of support for the creation of any new region from the Chief State School Officers and State boards of education in each of the contiguous States that would be included in such new region.

(3) DUTIES.—Each regional educational laboratory receiving assistance under this section shall promote the implementation of broad-based systemic school improvement strategies and shall have as such laboratory's central mission and primary function to—

(A) develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau, as appropriate, and through such development and dissemination, and provide technical assistance, to help all students meet standards;

(B) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(C) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau, as appropriate, State boards of education, schools, and librarians;

(D) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(E) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(F) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(G) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(H) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(I) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(J) collaborate and coordinate services with other technical assistance providers funded by the Department of Education;

(K) provide support and technical assistance in—

(i) replicating and adapting exemplary and promising practices;

(ii) the development of high-quality, challenging curriculum frameworks;

(iii) the development of valid, reliable assessments which are linked to State, local, or Bureau-funded content and student performance standards and reflect recent advances in the field of educational assessment;

(iv) the improvement of professional development strategies to assure that all teachers are prepared to teach a challenging curriculum;

(v) expanding and improving the use of technology in education to improve teaching and learning;

(vi) the development of alternatives for restructuring school finance systems to promote greater equity in the distribution of resources; and

(vii) the development of alternative administrative structures which are more conducive to planning, implementing, and sustaining school reform and improved educational outcomes; and

(L) bring teams of experts together to develop and implement school improvement plans and strategies;

(4) NETWORKING.—In order to improve the efficiency and effectiveness of the regional laboratories, the governing boards of the regional laboratories shall establish and maintain a network to—

(A) share information about the activities each laboratory is carrying out;

(B) plan joint activities that would meet the needs of multiple regions;

(C) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(D) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(5) ADDITIONAL DUTIES.—Each regional education laboratory receiving assistance under this subsection shall carry out the following activities:

(A) Collaborate with the Institutes established under section 931 in order to—

(i) maximize the use of research conducted through the Institutes in the work of such laboratory;

(ii) keep the Institutes apprised of the work of the regional educational laboratory in the field; and

(iii) inform the Institutes about additional research needs identified in the field.

(B) Consult with the State educational agencies and library agencies in the region in developing the plan for serving the region.

(C) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(D) Report and disseminate information on overcoming the obstacles faced by rural educators and rural schools.

(E) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(6) CERTAIN REQUIREMENTS.—In carrying out its responsibilities, each regional educational laboratory shall—

(A) establish a governing board that—

(i) reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies, and that includes teachers and education researchers;

(ii) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;

(II) determines the regional agenda of the laboratory;

(III) engages in an ongoing dialogue with the Assistant Secretary concerning the laboratory's goals, activities, and priorities; and

(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory for the duration of the contract period;

(iii) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

(iv) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(v) directs the regional educational laboratory to carry out the laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems; and

(vi) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers.

(B) Comply with the standards developed by the Assistant Secretary and approved by the Board under section 912.

(C) Coordinate its activities, collaborate, and regularly exchange information with the Institutes established under section 941, the National Diffusion Network, and its Developer Demonstrator and State Facilitator projects, learning grant institutions and district education agents assisted under subsection (i), the Educational Resources Information Center Clearinghouses, and other entities engaged in technical assistance and dissemination activities which are supported by other offices of the Department of Education.

(D) Allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

(7) EVALUATIONS.—The Assistant Secretary shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in paragraph (1) in the third year that such laboratory receives assistance under this subsection in accordance with the standards developed by the Assistant Secretary and approved by the Board and shall transmit the results of such evaluations to the relevant committees of the Congress, the Board, and the appropriate regional educational laboratory board.

(8) INVITATION REGARDING COMPETITION FOR AWARDS OF ASSISTANCE.—Prior to awarding a grant or entering into a contract under this section, the Secretary shall invite applicants, including the regional educational laboratories in existence on the day preceding the date of enactment of this Act, to compete for such award through notice in the Federal Register and in the publication of the Department of Commerce known as the Commerce Business Daily.

(9) Application for assistance.—Each application for assistance under this subsection shall–

(A) cover not less than a 5-year period;

(B) describe how the applicant would carry out the activities required by this subsection; and

(C) contain such additional information as the Secretary may reasonably require.

(10) Rule of construction.—No regional educational laboratory receiving assistance under this subsection shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(11) Advance payment system.—Each regional educational laboratory shall participate in the advance payment system at the Department of Education.

(12) Additional projects.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (h), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(13) Plan.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(14) Construction.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this title.

(i) Goals 2000 Community Partnerships Program.—

(1) Purpose.—The purpose of the Goals 2000 Community Partnerships program is to improve the quality of learning and teaching in the most impoverished urban and rural communities of the United States by supporting sustained collaborations between universities, schools, businesses, and communities which apply and utilize the results of educational research and development.

(2) Grants for goals 2000 community partnerships.—The Assistant Secretary is authorized to make grants to eligible entities to support the establishment of Learning Grant Institutions and District Education Agents and the activities authorized under this subsection within eligible communities.

(3) Definition of eligible entity and eligible community.—For the purposes of this subsection:

(A) The term "eligible entity" includes any institution of higher education, regional educational laboratory, National Diffusion Network project, national research and develop-

ment center, public or private nonprofit corporation, or any consortium thereof, that—

(i) has demonstrated experience, expertise and commitment in serving the educational needs of at-risk students; and

(ii) is, by virtue of its previous activities, knowledgeable about the unique needs and characteristics of the community to be served.

(B) The term "eligible community" means a unit of general purpose local government (such as a city, township, or village), a nonmetropolitan county, tribal village, or a geographically distinct area (such as a school district, school attendance area, ward, precinct or neighborhood), or any group of such entities that—

(i) has a population of not less than 200,000 and not more than 300,000; and

(ii) in which not less than one-half of the school-age children have family incomes which are below the poverty line, as determined by the 1990 United States Census, participation in the National School Lunch program, or other current, reliable data concerning family income.

(4) GOALS 2000 COMMUNITY PARTNERSHIPS.—Each learning grant institution receiving assistance under this subsection shall establish a Goals 2000 community partnership to carry out the activities authorized under this subsection. Such partnership—

(A) shall include the participation of one or more local educational agencies, institutions of higher education, community-based organizations, parents, teachers, and the business community;

(B) may include the participation of human, social service and health care agencies, Head Start and child care agencies, libraries, museums, employment and training agencies, and the State educational agency or tribal department of education; and

(C) shall be broadly representative of all segments of the community in which the activities will be carried out.

(5) COMPREHENSIVE GOALS 2000 PLAN.—Each Goals 2000 Community Partnership shall develop a comprehensive plan for assuring educational success and high achievement for all students in the community. Each such plan shall—

(A) adopt the National Education Goals;

(B) identify additional needs and goals for educational improvement within the community;

(C) focus on helping all students reach challenging content and student performance standards;

(D) be consistent with the State and local improvement plans for system-wide education improvement developed pursuant to title III;

(E) establish a comprehensive community-wide plan for achieving such goals; and

(F) develop a means for measuring the progress of the community in meeting such goals for improvement.

(6) IMPLEMENTATION OF COMMUNITY-WIDE PLAN.—Each Goals 2000 Community Partnership shall, utilizing the District Education Agent, provide assistance in implementing the community-wide plan for educational improvement by—

(A) supporting innovation, restructuring, and continuous improvement in educational practice by—

(i) disseminating information throughout the community about exemplary and promising educational programs, practices, products, and policies;

(ii) evaluating the effectiveness of federally funded educational programs within the community and identifying changes in such programs which are likely to improve student achievement;

(iii) identifying, selecting and replicating exemplary and promising educational programs, practices, products, and policies in both in- and out-of-school settings;

(iv) applying educational research to solve specific problems in the classroom, home and community which impede learning and student achievement; and

(v) supporting research and development by teachers, school administrators, and other practitioners which promise to improve teaching and learning and the organization of schools;

(B) improving the capacity of educators, school administrators, child care providers and other practitioners to prepare all students to reach challenging standards and to attain the goals set out in the comprehensive community-wide plan through such means as—

(i) the training of prospective and novice teachers (including preschool and early childhood educators) in a school setting under the guidance of master teachers and teacher educators;

(ii) training and other activities to promote the continued learning and professional development of experienced teachers, related services personnel, school administrators to assure that such teachers develop the subject matter and pedagogical expertise needed to prepare all students to reach challenging standards;

(iii) training and other activities to increase the ability of prospective, novice, and experienced teachers to teach effectively at-risk students, students with disabilities, students with limited-English proficiency, and students from diverse cultural backgrounds; and

(iv) programs to enhance teaching and classroom management skills, including school-based management skills, of novice, prospective, and experienced teachers;

(C) promoting the development of an integrated system of service delivery to children from birth through age 18 and their families by facilitating linkages and cooperation among—

(i) local educational agencies;

(ii) health and social services agencies and providers;

(iii) juvenile justice and criminal justice agencies;

(iv) providers of employment training; and

(v) child care, Head Start, and other early childhood agencies; and

(D) mobilizing the resources of the community in support of student learning and high achievement by facilitating effective partnerships and collaboration among—

(i) local educational agencies;

(ii) postsecondary educational institutions;

(iii) public libraries;

(iv) parents;

(v) community-based organizations, neighborhood associations, and other civic and community organizations;

(vi) child care, Head Start, and other early childhood agencies;

(vii) churches, synagogues and other religious institutions;

(viii) labor organizations; and

(ix) business and industry.

(7) ADDITIONAL REQUIREMENTS.—In carrying out its responsibilities under this subsection, each partnership receiving assistance under this subsection shall—

(A) appoint a District Education Agent who shall be responsible, on a full-time basis, for directing the implementation of the community-wide plan, who shall have significant experience and expertise in the field of education in—

(i) addressing the needs of at-risk students; and

(ii) conducting educational research and promoting the application of the results of such research to educational practice;

(B) provide for such other professional and support personnel as may be necessary to implement the community-wide plan under the direction of the District Education Agent; and

(C) coordinate the partnership's activities and work cooperatively with the National Diffusion Network State facilitators, regional educational laboratories, and other components of the Office to utilize most effectively Federal research, development, and dissemination resources in implementing the community-wide plan.

(8) APPLICATION FOR GRANTS.—Any eligible entity desiring a grant under this subsection shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require. Each such application shall—

(A) include a comprehensive plan for meeting the objectives and requirements of this subsection; and

(B) provide evidence of support for the application from local elected officials, the State educational agency, the local educational agency, parents, local community leaders, businesses, and other appropriate organizations.

(9) PRIORITY IN MAKING GRANTS; DURATION AND AMOUNT OF GRANT.—Each grant made under this subsection shall be—

(A) awarded on a competitive basis, with first priority given to those applications from communities with the greatest percentage of school-age children in families with poverty-level incomes;

(B) made for a 5-year period, with funding for the second and each succeeding year in such period conditioned upon a determination by the Assistant Secretary that the grant recipient has complied with the conditions of the grants during the previous year; and

(C) an amount equal to not less than $1,000,000 per year.

(10) LIMITATION OF ONE GRANT PER CONGRESSIONAL DISTRICT.—Not more than one grant under this subsection shall be awarded within a single congressional district.

(11) TECHNICAL ASSISTANCE; EVALUATIONS.—In administering the program authorized under this subsection, the Assistant Secretary shall, either directly or through grant or contract with an eligible nonprofit agency—

(A) upon request, provide technical assistance to eligible entities to assist in the development of a comprehensive community-wide plan to meet the requirements of this subsection and in the preparation of applications for assistance;

(B) regularly provide technical assistance to learning grant institutions receiving assistance under this subsection to assist with the development and implementation of the comprehensive community-wide plan for educational improvement;

(C) provide for an independent evaluation of the activities assisted under this subsection, including—

(i) the impact of the Goals 2000 Community Partnerships program on children and families within each community, including effects on the extent of educational achievement, rates of school retention and completion, and enrollment in postsecondary educational programs; and

(ii) whether an intensified effort to apply and utilize educational research within a limited geographic area significantly improves student learning and achievement; and

(D) plan for the expansion of the Goals 2000 Community Partnerships program throughout the remainder of the United States beginning in fiscal year 1999.

(j) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(1) FINDINGS.—The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the schools of the United States that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (h), the National Diffusion Network State facilitators, the Educational Resources Information Center Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what inservice education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) USE OF FUNDS.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) STIPENDS.—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) COORDINATION.—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) REPORT.—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

PART E—NATIONAL LIBRARY OF EDUCATION

SEC. 951. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) IN GENERAL.—There is established within the Department of Education a National Library of Education (hereafter in this section referred to as the "Library"), which shall be maintained by the Department of Education as a governmental activity.

(b) FUNCTIONS OF LIBRARY.—The functions of the Library are—

(1) to provide a central location within the Federal Government for information about education;

(2) to provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(3) to promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

(c) MISSION.—The mission of the Library shall be to—

(1) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(2) strive to ensure widespread access to the Library's facilities and materials, coverage of all education issues and subjects, and quality control;

(3) have an expert library staff; and

(4) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(d) ONE-STOP INFORMATION AND REFERRAL SERVICE.—The Library shall establish and maintain a central information and referral service to respond to telephonic, mail and electronic and other inquiries from the public concerning—

(1) programs and activities of the Department of Education;

(2) publications produced by the Department of Education and, to the extent feasible, education related publications produced by the Departments of Labor, Health and Human Services, and other Federal departments and agencies;

(3) services and resources available to the public through the Office, including the Educational Resources Information Center Clearinghouses, the research institutes, and the national education dissemination system;

(4) statistics and other information produced by the National Center for Education Statistics; and

(5) referrals to additional sources of information and expertise about educational issues which may be available through educational associations and foundations, the private sector, colleges and universities, libraries and bibliographic databases.

The Library shall maintain and actively publicize a toll-free telephone number through which public inquiries to the Library may be made.

(e) COMPREHENSIVE REFERENCE SERVICES.—

(1) IN GENERAL.—The Library shall, to the extent feasible, provide for the delivery of a full range of reference services on subjects related to education to employees of the Department of Education and such Department's contractors and grantees, other Federal employees, and members of the general public. Such services may include—

(A) specialized subject searches;

(B) search and retrieval of electronic databases;

(C) document delivery by mail and facsimile transmission;

(D) research counseling, bibliographic instruction, and other training services;

(E) interlibrary loan services; and

(F) selective dissemination of information services.

(2) PRIORITY.—The Library shall first give priority in the provision of reference services to requests made by employees of the Department of Education.

(f) COOPERATION AND RESOURCE SHARING.—The Library shall promote greater cooperation and resource sharing among libraries and archives with significant collections in the area of education through means such as—

(1) the establishment of information and resource sharing networks among such entities;

(2) the development of a national union list of education journals held by education libraries throughout the United States;

(3) the development of directories and indexes to textbook and other specialized collections held by education libraries throughout the United States; and

(4) cooperative efforts to preserve, maintain and promote access to items of special historical value or interest.

(g) ADMINISTRATION.—The Library shall be administered by an Executive Director who shall—

(1) be appointed by the Assistant Secretary from among persons with significant training or experience in library and information science; and

(2) be paid at not less than the minimum rate of basic pay payable for GS-15 of the General Schedule.

(h) TASK FORCE.—

(1) IN GENERAL.—The Assistant Secretary shall appoint a task force of librarians, scholars, teachers, parents, and school leaders (hereafter in this paragraph referred to as the "Task Force") to provide advice on the establishment of the Library.

(2) PREPARATION OF PLAN.—The Task Force shall prepare a workable plan to establish the Library and to implement the requirements of this section.

(3) CERTAIN AUTHORITIES.—The Task Force may identify other activities and functions for the Library to carry out, except that such functions shall not be carried out until the Library is established and has implemented the requirements of this section.

(4) REPORT.—The Task Force shall prepare and submit to the Assistant Secretary not later than 6 months after the first meeting of the Task Force a report on the activities of the Library.

(i) TRANSFER OF FUNCTIONS.—There are hereby transferred to the Library all functions of—

(1) the Department of Education Research Library;

(2) the Department of Education Reference Section; and

(3) the Department of Education Information Branch.

(j) COLLECTION DEVELOPMENT POLICY.—Not later than 180 days after the date of the enactment of this title, the Assistant Secretary shall promulgate a comprehensive collection development policy to govern the Library's operations, acquisitions, and services to users. Such collection development policy shall—

(1) be consistent with the functions of the Library described in subsection (b);

(2) emphasize the acquisition and maintenance of a comprehensive collection of reference materials; and

(3) avoid unnecessary duplication by putting a priority on meeting the information needs of the Library's users through cooperation and resource-sharing with other entities with significant collections in the field of education.

(k) ARREARAGE AND PRESERVATION.—On the basis of the collection development policy promulgated under subsection (j), the Executive Director shall develop a multiyear plan which shall set forth goals and priorities for actions needed to—

(1) eliminate within 3 years the arrearage of uncataloged books and other materials in the Library's collections; and

(2) respond effectively and systematically to the preservation needs of the Library's collections, relying, whenever possible, upon cooperative efforts with other institutions to preserve and maintain the usability of books and materials in the Library's collections.

PART F—STAR SCHOOLS

SEC. 961. STAR SCHOOLS.

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking "greater" and inserting "lesser".

PART G—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

SEC. 971. OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "Office of the Secretary" and inserting "Office of Elementary and Secondary Education"; and

(2) by adding at the end the following new paragraph:

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section.".

(b) TRANSITION.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

PART H—FIELD READERS

SEC. 981. FIELD READERS.

Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) APPLICABILITY.—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds.".

PART I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

SEC. 991. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, licensing rates, and awards of high school graduate equivalency diplomas (GED), each State board for higher education shall develop a data collection system the results of which can be integrated into the occupational information system developed under this section.".

TITLE X—MISCELLANEOUS

PART A—MISCELLANEOUS PROVISIONS

SEC. 1011. SCHOOL PRAYER.

No funds authorized to be appropriated under this Act may be used by any State or local educational agency to adopt policies that prevent voluntary prayer and meditation in public schools.

SEC. 1012. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) FINDINGS.—The Congress finds that—

(1) the Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately $10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of noneducation funds within the current budget monetary constraints.

SEC. 1013. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

"(2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.".

SEC. 1014. FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) IN GENERAL.—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations Act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary Education Act of 1965, and any other allocations or grants for such fiscal year resulting from such allocation to such county under any program administered by the Secretary of Education, shall be deemed to be authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.

(b) SPECIAL RULE.—Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

SEC. 1015. STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall make appropriate arrangements with the National Academy of Sciences or the National Academy of Education to conduct a comprehensive study of the inclusion of children with disabilities in school reform activities assisted under the Goals 2000: Educate America Act.

(2) DEFINITION.—For purposes of this section, the term "children with disabilities" has the same meaning given such term in section 602 of the Individuals with Disabilities Education Act.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of the Goals 2000: Educate America Act to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences or the National Academy of Education considers appropriate.

(c) STUDY PANEL MEMBERSHIP.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) FINDINGS AND RECOMMENDATIONS.—The Secretary shall request the National Academy of Sciences or the National Academy of Education to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) FUNDING.—From funds appropriated to the Secretary for research related to individuals with disabilities the Secretary shall make available $600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 1016. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) PROGRAM DESIGN.—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—Paragraph (1) of section 253(a) of the Job Training Partnership Act (20 U.S.C. 1632(a)) is amended by inserting "academic enrichment" after "remedial education,".

(2) REQUIRED SERVICES AND DESIGN.—(A) Subsection (c) of such section 253 of the Job Training Partnership Act (20 U.S.C. 1632(c)) is amended by adding at the end the following new paragraphs:

"(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) INTEGRATION OF WORK AND LEARNING.—

"(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) CLASSROOM TRAINING.—Classroom training provided under this part shall, to the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work.".

(B) Section 253 of the Job Training Partnership Act (20 U.S.C. 1632) is further amended by adding at the end the following new subsection:

"(e) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants.".

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c).".

(b) TRANSFER OF FUNDS TO YEAR ROUND PROGRAM.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

SEC. 1017. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act (20 U.S.C. 1232g) is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning—

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, anti-social, self-incriminating and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".

SEC. 1018. CONTRACEPTIVE DEVICES.

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

SEC. 1019. ASSESSMENTS.

(a) TITLE II.—No funds provided under title II of this Act shall be used to develop or undertake assessments that will be used to make decisions regarding the graduation, grade promotion, or retention of students for 5 years after the date of enactment of this Act.

(b) TITLE III.—Assessments developed with funds under title III of this Act may be used for decisions regarding graduation, grade promotion, or retention of students only on the condition that students have been prepared in the content for which the students are being assessed.

SEC. 1020. PUBLIC SCHOOLS.

Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 1021. ASSESSMENT OF EDUCATIONAL PROGRESS ACTIVITIES.

Section 421(h) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2421(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by inserting at the end the following:

"(2)(A) Notwithstanding any provision of section 406 of the General Education Provisions Act, the Commissioner of Education Statistics may authorize a State educational agency or a consortium of such agencies to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to vocational education, if the Commissioner has determined, in writing, that such use will not—

"(i) result in the identification of characteristics or performance of individual students or schools;

"(ii) result in the ranking or comparing of schools or local educational agencies;

"(iii) be used to evaluate the performance of teachers, principals, or other local educators for the purpose of dispensing rewards or punishments; or

"(iv) corrupt or harm the use and value of data collected for the National Assessment of Educational Progress.

"(B) Not later than 60 days after making an authorization under subsection (a), the Commissioner shall submit to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate, a report which contains—

"(i) a copy of the request for such authorization;

"(ii) a copy of the written determination under subsection (a); and

"(iii) a description of the details and duration of such authorization.

"(C) The Commissioner may not grant more than one such authorization in any fiscal year and shall ensure that the authorized *use of items or data from the National Assessment is evaluated for technical merit and for its affect on the National Assessment of Educational Progress. The results of such evaluations shall be promptly reported to the committees specified in subparagraph (B).".*

SEC. 1022. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) no funds appropriated pursuant to this Act should be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act");

(2) in the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products;

(3) in providing financial assistance under this Act, the head of each Federal agency should provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress; and

(4) if it has been finally determined by a court or Federal agency that any person intentionally affixing a label bearing a "Made in America" inscription, or any inscription with the same meaning to any product sold in or shipped to the United States that is not made in the United States, such person should be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections existed on the date of enactment of this Act.

PART B—GUN-FREE SCHOOLS

SEC. 1031. SHORT TITLE.

This part may be cited as the "Gun-Free Schools Act of 1994".

SEC. 1032. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

"TITLE VIII—GUN-FREE SCHOOLS

"SEC. 8001. GUN-FREE REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a pe-

riod of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

"(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

PART C—ENVIRONMENTAL TOBACCO SMOKE

SEC. 1041. SHORT TITLE.

This part may be cited as the "Pro-Children Act of 1994".

SEC. 1042. DEFINITIONS.

As used in this part:

(1) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(2) CHILDREN'S SERVICES.—The term "children's services" means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after the date of the enactment of this Act, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in 7 CFR 246.2) under section 17(b)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(6)), or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate Secretary in any enforcement action under this title,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

(3) PERSON.—The term "person" means any State or local subdivision thereof, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

(4) INDOOR FACILITY.—The term "indoor facility" means a building that is enclosed.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 1043. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) PROHIBITION.—After the date of the enactment of this Act, no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) ADDITIONAL PROHIBITION.—After the date of the enactment of this Act, no person shall permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by such person for the provision by such person of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of such person who provides such services, except that this subsection shall not apply to—

(1) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(2) any private residence.

(c) FEDERAL AGENCIES.—

(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of the enactment of this Act, no Federal agency shall permit smoking within any indoor facility operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—After the date of the enactment of this Act, no Federal agency shall permit smoking within any indoor facility (or portion thereof) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children, except that this paragraph shall not apply to—

(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(B) any private residence.

(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be incorporated by publication of a notice in the Federal Register by the Secretary (in consultation with the heads of other af-

fected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of the enactment of this Act, whichever occurs first.

(e) SPECIAL WAIVER.—

(1) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(A) took effect before the date of enactment of this Act; and

(B) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(2) TERMINATION OF WAIVER.—A special waiver granted under this subsection shall terminate on the earlier of—

(A) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(B) the date that is 1 year after the date of the enactment of this Act.

(f) CIVIL PENALTIES.—

(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violations occurred. For the purpose of the prohibition in subsection (c), the term "person" shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued, by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice thereof to such person by certified mail with return receipt and provide therein an opportunity to request in writing not later than 30 days after the date of receipt of such notice such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing which should be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's des-

ignee) and such person may consult to arrange a suitable date and location where appropriate.

(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or its agencies or instrumentalities owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review thereof with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy thereof to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after either or both are final under this section, or after a court under paragraph (5) has entered a final judgment in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at then currently prevailing rates from the day either or both are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

SEC. 1044. PREEMPTION.

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

PART D—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. 1051. SHORT TITLE.

This part may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. 1052. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

*(1) in the section heading by inserting "**AND ASSISTED**" after "**PUBLIC**";*

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) Grant amount limitations.—

"(A) Private contributions.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) Non-Federal funds.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) Prohibition on substitution of funds.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) Maximum and minimum grant amounts.—

"(i) In general.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) Exception for large leagues.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) Disbursement.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible

entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing

technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

"(iii) Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa–8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of such Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary

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shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(E) The term "Secretary" unless otherwise specified, means the Secretary of Housing and Urban Development.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. 1053. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

And the House agrees to the same.

From the Committee on Education and Labor, for consideration of the House amendment (except title II) to the Senate amendment, and the Senate amendment (except secs. 901–14), and modifications committed to conference:

William D. Ford,
Dale E. Kildee,
George Miller,
Tom Sawyer,
Major R. Owens,
Jolene Unsoeld,
Jack Reed,
Tim Roemer,
Patsy Mink,
Eliot L. Engel,
Xavier Becerra,
Gene Green,
Lynn C. Woolsey,
Karen English,
Ted Strickland,
Donald M. Payne,
Carlos Romero-Barceló,
Bill Goodling,
Steve Gunderson,
Susan Molinari,

From the Committee on Education and Labor, for consideration of title II of the House amendment to the Senate amendment, and secs. 901–14 of the Senate amendment, and modifications committed to conference:

William D. Ford,
Major R. Owens,
Donald M. Payne,
Robert C. Scott,
Tom Sawyer,
Bill Goodling,
Cass Ballenger,
Bill Barrett,
Harris W. Fawell,

As additional conferees from the Committee on Energy and Commerce, for consideration of title XII of the Senate amendment, and modifications committed to conference:

John D. Dingell,
Henry A. Waxman,
Mike Synar,
Carlos J. Moorhead,
Thomas J. Bliley, Jr.,

As additional conferees from the Committee on Foreign Affairs, for consideration of sec. 921 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
HOWARD L. BERMAN,
TOM LANTOS,
BEN GILMAN,
Managers on the Part of the House.

EDWARD M. KENNEDY,
CLAIBORNE PELL,
HOWARD M. METZENBAUM,
PAUL SIMON,
CHRISTOPHER DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
JEFF BINGAMAN,
PAUL WELLSTONE,
HARRIS WOFFORD,
NANCY LANDON KASSEBAUM,
JAMES M. JEFFORDS,
DAVE DURENBERGER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck out all of the Senate amendment and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SHORT TITLE

Short Title: The House bill includes titles I through VI, including the National Skill Standards Board in the "Goals 2000: Educate America Act"; the Senate bill includes only titles I through IV in the "Goals 2000 Educate America Act" and establishes the National Skill Standards Board under the "National Skill Standards Act of 1993." The Conference Agreement includes the Skill Standards title and all other titles of the bill, with the exception of Title IX, as part of the "Goals 2000: Educate America Act."

TABLE OF CONTENTS

Table of Contents: The Senate bill, but not the House bill, contains a table of contents for the legislation. The House recedes.

PURPOSE

Purpose: The House bill includes improving the quality of learning in the classroom as well as in the workplace; the Senate bill includes improving the quality of learning in the classroom. The Senate recedes.

Purpose: The House bill refers to "education reform and lifelong learning"; the Senate bill refers to "education reform". The Senate recedes.

Purpose: The House bill, but not the Senate bill, includes "succeed in the world of employment and civic participation" as additional results to be achieved through equal educational opportunities. The Senate recedes, with an amendment including high academic and occupational skill standards.

Purpose: The House bill refers to "all students" and later defines the term; the Senate bill, following the term "all students", specifies that "all students" include "disadvantaged students, students with diverse racial ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students." The Senate recedes.

Purpose: The House bill, but not the Senate bill, includes the additional phrase, "enabling them [all children] to participate fully as workers, parents, and citizens." The Senate recedes, with an amendment to replace "enabling them to" with "to prepare them to".

Purpose: The Senate bill, but not the House bill, includes an additional objective of promoting the use of technology to enable all students to achieve the National Education Goals. The House recedes.

Purpose: The House bill, but not the Senate bill, includes an additional purpose of stimulating the development and adoption of a voluntary national system of skill standards and certification to serve as a cornerstone of the national strategy to enhance workforce skills. The Senate recedes.

Purpose: The House bill, but not the Senate bill, includes the additional purpose of assisting every elementary and secondary school that receives funds under this Act to actively involve parents and families in supporting the academic work of their children at home and in providing parents with skills to advocate for their children at school. The Senate recedes.

TITLE I—NATIONAL EDUCATION GOALS

SCHOOL READINESS

Objectives: The House bill includes "mental alertness necessary to be prepared to learn" as one of the aspects of readiness; the Senate bill includes "physical activity experiences" among the components children will receive to achieve school readiness. The House recedes, with an amendment adding "mental alertness necessary to be prepared to learn" to the list of components.

STUDENT ACHIEVEMENT AND CITIZENSHIP

Goal: The Senate bill, but not the House bill, includes economics as a subject matter. The House recedes.

Objective: The Senate bill, but not the House bill, includes "good health" in the list of items student activities should promote. The House recedes.

TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT

Goal: Both bills have a teacher education and professional development goal, but the objectives are different in the two bills. The House recedes to the Senate objectives. The House lists the teacher goal as Goal Four. The Senate lists the teacher goal as Goal Eight. The Senate recedes.

ADULT LITERACY

Objective: The House bill, but not the Senate bill, includes as an objective of the adult literacy goal that schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and lifelong learning opportunities to improve the ties between home and school, and enhance parents' work and home lives. The Senate recedes.

SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS

Goal: The Senate bill, but not the House bill, clarifies that part of Goal 6 is to make schools free of alcohol and firearms. The House recedes, with an amendment clarifying that the goal refers to the unauthorized presence of alcohol and firearms.

Objective: The House and Senate bills both refer to creating a healthy environment and a safe haven for children, but the Senate bill includes governmental organizations as a group that will be working together toward the goal, and there are some drafting differences. The House recedes, with an amendment that combines the House and Senate language.

Objective: The House bill, but not the Senate bill, includes an objective of the safe schools goal that every school district will develop and implement a policy to ensure that all schools are free of weapons and violence. The Senate recedes, with an amendment saying that every school district will be free of "violence and the unauthorized presence of weapons."

Objective: The Senate bill, but not the House bill, includes an objective of the safe schools goal that every school should work to eliminate sexual harassment. The House recedes.

PARENTAL PARTICIPATION

Goal: The House bill titles the goal "School and Home Partnership"; the Senate bill titles the goal "Parental Participation". The House recedes.

Goal: With regard to increasing parental participation, the House bill states "every school and home will engage in partnerships"; the Senate bill states "every school will promote partnerships". The House recedes.

Objective: The House bill, but not the Senate bill, includes as an objective of the parent involvement goal that every home will be responsible for creating an environment of respect for education and providing the physical and emotional support needed for learning. The House recedes.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

NATIONAL EDUCATION GOALS PANEL

Purpose: The Senate bill, but not the House bill, includes as a purpose of the Goals Panel periodically reviewing the goals and objectives described in title I and recommending adjustments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students. The Senate recedes.

It was agreed by both Houses that the term used throughout the bill regarding the subject of assessment throughout the bill would be "State assessments". This agreement eliminates all references to any form of assessment system throughout the bill.

The Senate amendment requires that the Goals Panel review and approve NESIC-certified standards and assessments, as well as the criteria for certifying such standards and assessments. The House bill requires that the Goals Panel review the standards, assessments, and criteria, with the option of disapproving them within 60 days. The Senate recedes, with an amendment changing the number of days from 60 to 90.

NATIONAL EDUCATION GOALS PANEL

Establishment

Establishment: The House bill establishes the National Education Goals Panel to "advise the President, the Secretary, and the Congress"; the Senate bill simply establishes the Panel. The Senate recedes.

Composition

Composition: With regard to members of State Legislatures appointed by the President of the National Conference of State Legislatures, the House bill says "not more than two may be of the same political party as the President of the United States", and the Senate bill says "of whom two shall be of the same political party as the president of the United States". The House recedes.

Special rule

Special Rule: The House bill, but not the Senate bill, requires that, to extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States. The Senate recedes.

Chairperson

In General: The House bill authorizes the President to select a chairperson from among the membership of the Goals Panel; the Senate bill authorizes the members to select a chairperson from among the Governors who are members of the Goals Panel. The House recedes, with an amendment to expand the eligibility of the Chairperson to all members of the Goals Panel.

Conflict of Interest: The House bill, but not the Senate bill, includes a conflict of interest provision regarding members of the Goals Panel. The Senate recedes.

Ex-Officio Member: The House bill, but not the Senate bill, requires that if the President has not appointed the Secretary of Education as one of his 2 appointments, that the Secretary shall serve as an ex-officio, non-voting member of the Panel. The Senate recedes.

Duties

In General: The House bill specifies that the Goals Panel is to report to the President, Secretary, and the Congress on the progress towards the goals in an annual report; the Senate bill requires the Panel to report on progress towards the goals in an annual national report card. The Senate recedes.

The Senate bill, but not the House bill, requires the Panel to submit to the President nominations for appointments to NESIC. The House recedes, consistent with changes in the NESIC appointment process agreed to by both Houses.

The House bill, but not the Senate bill, requires the Panel to report on State opportunity to learn standards and the progress of States in meeting such standards. The conference agreement requires the report to report on State opportunity to learn standards and strategies and the progress of states which are implementing such standards and strategies.

The House bill, but not the Senate bill, requires the Panel to take into consideration public comments. The Senate recedes.

National report card

Title: The House bill titles the provision "REPORT"; the Senate bill titles the provision "NATIONAL REPORT CARD". The Senate recedes.

The House bill, but not the Senate bill, requires the report to identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving State opportunity to learn standards. The Senate recedes, with an amendment rewriting the House provision to read as follows: "(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals and providing all students with a fair opportunity to learn."

The House bill, but not the Senate bill, requires the report to report on State opportunity to learn standards and the progress of States in meeting such standards. The conference agreement requires the report to report on State opportunity to learn standards and strategies and the progress of states which are implementing such standards and strategies.

Powers of the Goals Panel

Representation: The House bill refers to "voluntary national content and student performance standards, assessments, and opportunity to learn standards"; the Senate bill refers to "voluntary national content, voluntary national student performance standards, voluntary national opportunity to learn standards, and State assessments or systems of assessments described in section 213(e)". The House recedes, with an amendment striking "or systems of assessments".

Gifts; Use of Facilities: The Senate bill, but not the House bill, allows the Goals Panel to accept, administer, and utilize gifts or donations of services. The Senate recedes.

Administrative provisions

Voting and Final Decisions: The Senate bill, but not the House bill, requires that final decisions of the Goals Panel be made by consensus or, if a vote is required, by a three-fourths vote of the members of the Goals Panel who are present and voting. The House recedes.

Early childhood assessment

In General: The House bill, but not the Senate bill, includes the phrase "that would lead to alternatives to currently used norm-referenced early childhood assessments." Senate recedes, with an amendment deleting 'norm-referenced".

Activities: The Senate bill, but not the House bill, asks the Groups to develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities. The House bill requires that the groups create guidelines on the nature, functions, and uses of early childhood assessments including a model of school readiness; the Senate bill requires that the groups create guidelines on the nature, functions, and uses of early childhood assessments based on model elements of school readiness. The House recedes.

Activities: The Senate bill, but not the House bill, includes the phrase "including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities,". The House recedes, with an amendment striking "norm-referenced assessments and".

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

PURPOSE

Purpose: The House bill says "certify and regularly review"; the Senate bill says "certify." The Senate recedes, with an amendment replacing "regularly" with "periodically".

Purpose: With regard to State content and performance standards being certified by NESIC, the House bill refers to "equal or higher quality"; the Senate bill refers to "comparable in rigor and quality to". The House recedes, with an amendment changing the provision to "comparable or higher in rigor and quality to".

Purpose: The House bill says "certify and regularly review"; the Senate bill says "certify." The Senate recedes, with an amendment replacing "regularly" with "periodically".

Purpose: The House bill says "opportunity-to-learn standards"; the Senate bill says "comprehensive State opportunity-to-learn standards". The Senate recedes.

The House bill authorizes certification of the State opportunity-to-learn standards if such standards are of "equal or higher quality" as compared with the voluntary national standards. The Senate bill authorizes certification of the State opportunity to learn standards if such standards "describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn" and if such standards meet the elements described in section 213(c)(3). The Senate recedes, with an amendment striking "if such standards are of equal or higher quality as compared with the voluntary national opportunity to learn standards" and inserting "if such standards are comparable or higher in rigor and quality to the voluntary national opportunity to learn standards certified by the National Education Standards and Improvement Council".

Purpose: The House bill allows submission of assessments by States; the Senate bill allows submission of assessments by States or groups of States. The House recedes.

Purpose: With regard to NESIC certifying assessments, the House bill specifies that the assessments must be "valid, reliable, and consistent with relevant, nationally recognized professional and technical standards for assessment"; the Senate bill specifies that the assessments must be "valid, reliable, and fair". The Senate recedes.

NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

Composition: The House bill requires that the Council be composed of 20 members; the Senate bill requires that the Council be composed of 19 members. The House recedes.

Composition: The House bill has 8 members appointed by the President, 4 members appointed by the Speaker of the House, 4 members appointed by the Majority Leader of the Senate, and 4 members appointed by the Goals Panel; the Senate bill has the members appointed by the President from nominations received from the Goals Panel.

The conference agreement provides for the Council to be appointed by the President from nominations submitted as follows:

(1) 7 members from among 21 individuals nominated by the Secretary;

(2) 4 members from among 12 individuals nominated by the Speaker of the House of Representatives, in consultation with the majority and minority leaders of the House;

(3) 4 members from among 12 individuals nominated by the majority leader of the Senate, in consultation with the minority leader of the Senate;

(4) 4 members from among 12 individuals nominated by the National Education Goals Panel. The nominees in each group are to be distributed among the four categories of NESIC members (professional educators; representatives of business, labor, and postsecondary education; members of the public; and education experts) as outlined in the conference agreement.

QUALIFICATIONS

In General: The House bill says "including . . . and"; the Senate bill says "appointed from among . . . or". The House language indicates that all of the groups listed must be represented. The

Senate language indicates that the five professional educators should be appointed from among the groups listed. The House recedes.

In General: The House bill requires that five members of the Council be from business and industry, organized labor, and postsecondary educational institutions, including at least one representative from each of the three groups (the required business representative must also be a member of the National Skill Standards Board).

The Senate bill requires that four members of the Council be from business and industry or postsecondary educational institution, including at least one representative of business and industry who is also a member of the Skill Standards Board. The Senate recedes, with an amendment changing the number of members to four from business and industry.

In General: The House bill says "including . . . and"; the Senate bill says "appointed from among . . . or". Same problem as above: The House language indicates that all of the groups listed must be represented. The Senate language states that the five representatives of the public should be appointed from among the groups listed. The House recedes.

In General: The Senate bill, but not the House bill, include tribal government representatives. The House recedes, with an amendment specifying that policymakers may include tribal school boards.

In General: The House bill says "including . . . and"; the Senate bill says "appointed from among . . . or". The House language indicates that all of the groups listed must be represented. The Senate language states that the five professional education experts should be appointed from among the groups listed. The House recedes.

Representation: The House bill requires that one-third of the Council consist of individuals with expertise in educational needs of children who are from low-income families, minority backgrounds, have limited English proficiency, or have disabilities. The Senate bill requires that, to the extent feasible, the membership of the Council shall include persons from each of the four categories with expertise in the education of subgroups of students who are at risk of school failure. The Senate recedes, with an amendment adding "or backgroup" after "expertise", to require that at least one-third of all nominations and appointments have such expertise or background, and adding a new subsection that will read as follows: "To the extent feasible, the membership of the Council will be equally represented by both major political parties."

TERMS

Initial Terms: The House bill requires that the Council establish by lot initial terms for individuals of one, two, or three years; the Senate bill requires the President to establish initial terms of 1, 2, or 3 years. The Senate recedes.

CONFLICT OF INTEREST

Conflict of Interest: The House bill conflict of interest provision bars members of the Council from serving concurrently on the

Goals Panel. The Senate bill, but not the House bill, prohibits members, staff, experts, and consultants from being appointed to the Council if they have a fiduciary interest in an educational assessment unless they agree that they will not obtain such an interest for a period of 2 years from the date of termination of the member's service on the Council. The Senate recedes.

Conflict of Interest: The House bill, but not the Senate bill, requires that section 208 of title 18 of the United States Code, relating to criminal penalties, apply to members of the Council except that, for the purposes of making written determinations under subsection (b)(1), the Government official responsible for the appointment of any member of the Council is deemed to be the Director of the Office of Government Ethics. The Senate recedes, with an amendment striking the House language and replacing it with a sunshine provision which details why the individual's services outweigh the potential for a conflict of interest to the House and Senate committees of jurisdiction and a requirement that NESIC develop and submit to the House and Senate committees of jurisdiction procedures to govern the recusal process, consistent with current regulations.

Conflict of Interest: The House bill, but not the Senate bill, says that a member of the Council who resides in a State which has developed standards and assessments "may not" participate in Council consideration of that State's standards and assessments. The Senate recedes.

DUTIES

Voluntary national content standards

In General: The House bill requires the Council to carry out certain duties; the Senate bill requires the Council to carry out certain duties based upon recommendations from a working group on voluntary national content standards. The Senate recedes, with an amendment, which allows the Council to consult with outside experts. (p. 53, #50)

In General: The House bill, but not the Senate bill, specifies that the Council shall use the criteria developed under paragraph (2)(A)(i) when certifying content standards and student performance standards. The Senate recedes. (p. 53, #51)

In General: The House bill, but not the Senate bill, requires the Council to develop a process for regularly reviewing any national voluntary content, student performance, and opportunity to learn standards that have been certified. The Senate recedes, with an amendment replacing "regularly" with "periodically". (p. 54, #53)

Criteria: The House bill requires the Council to develop criteria; the Senate bill requires the Council to develop criteria, upon the recommendation from a working group on the content and performance standards. The Senate recedes, with an amendment, which allows the Council to consult outside experts. (p. 54, #54)

Criteria: The House bill, but not the Senate bill, includes advocacy groups among those that should be involved in the process. The Senate bill, but not the House bill, includes secondary school students among those that should be involved in the process. The

House recedes, with an amendment including advocacy groups among those that should be involved in the process. (p. 56, #56)

Voluntary State content standards

Voluntary State Content Standards: The House bill allows "States" to have standards certified; the Senate bill refers to "a State or groups of States". The House recedes. (p. 57, #57a)

Voluntary State Content Standards: The House bill, but not the Senate bill, specifies that the Council shall use the criteria developed under subsection (a)(2)(A)(i). The Senate recedes. (p. 57, #58)

Voluntary State Content Standards: The House bill refers to State standards of "equal or higher quality" than the national standards; the Senate bill refers to "comparable in rigor and quality". The House recedes, with an amendment to "comparable or higher in rigor and quality to". (p. 57, #58a)

Voluntary national opportunity-to-learn standards

In General: The House bill requires the Council to certify exemplary, voluntary national opportunity-to-learn standards; the Senate bill requires the Council to certify exemplary, voluntary national opportunity-to-learn standards based upon the recommendations from a working group on voluntary national opportunity-to-learn standards. The Senate recedes, with an amendment that the Council may consult outside experts. (p. 57, #59)

The Senate bill, but not the House bill, includes a provision clarifying that the Council and the working group may consider proposals for voluntary national OTL standards from groups other than those that receive OTL development grants from the Secretary. The House recedes. (p. 58, #60)

Elements addressed: The House bill, but not the Senate bill includes "distance learning" among the factors to be addressed when the Council certifies opportunity-to-learn standards. The Senate recedes. (p. 58, #61)

Elements addressed: The House bill, but not the Senate bill, includes "principals" in this list. The Senate recedes. (p. 58, #62)

Elements addressed: The House bill, but not the Senate bill, specifies that the voluntary national opportunity-to-learn standards shall address the extent to which schools utilize policies, curricula, and instructional practices which ensure nondiscrimination on the basis of gender. The Senate recedes. (p. 59, #63)

Additional Duties: The House bill requires NESIC to develop criteria for both "voluntary national and State opportunity-to-learn standards."

The Senate bill requires NESIC to develop criteria only for "voluntary national opportunity-to-learn standards." The Senate recedes. (p. 60, #64)

Voluntary State Opportunity-to-Learn Standards: The House bill, but not the Senate bill, requires that the Council use the criteria it developed under subsection (c)(3)(B) for certifying State opportunity-to-learn standards. The Senate recedes, with an amendment striking "if such standards are of equal or higher quality as compared with the voluntary national opportunity-to-learn standards" and inserting "if such standards are comparable or higher in rigor and quality to the voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council". (p. 62, #68)

Voluntary State Opportunity-to-Learn Standards: The House bill allows the Council to certify State opportunity-to-learn standards if they are of equal or higher quality as compared to the voluntary national opportunity-to-learn standards.

The Senate bill allows the Council to certify State opportunity-to-learn standards that—(1) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and (2) address the same elements that the national opportunity-to-learn standards are required to address (outlined in Sec. 213(c)(3)). The Senate recedes. (p. 62, #68)

Requirement: The major difference here between the two bills is that the House provision [(e) GENERAL PROVISION REGARDING VOLUNTARY NATIONAL STANDARDS] refers to voluntary national content standards, student performance standards, and OTL standards, while the Senate provision [(2) REQUIREMENT] refers only to voluntary national OTL standards. The Senate recedes. (p. 62, #69)

ASSESSMENTS

The conferees intend that, if the Council deems it appropriate, the Council should include the notice and comment procedures in the Administrative Procedures Act (5 U.S.C. 553) in its process of certifying assessment criteria under this section.

In General: The House says the Council may certify assessments whereas the Senate says the Council shall certify such assessments. The Senate recedes. (p. 63, #69a)

In General: The House bill says that the Council may certify an assessment system that is "submitted voluntarily by a State" the Senate bill says "presented on a voluntary basis by a State or group of States". The Senate recedes, with an amendment adding "or group of States" after "State" and replacing "an assessment system" with "State assessments". (p. 63, no #)

In General: The House bill, but not the Senate bill, says that the Council should use the criteria it develops under paragraph (2)(A) below. The Senate recedes. (p. 63, #70)

In General: The Senate bill, but not the House bill, requires that the Council certify assessments "for a period not to exceed five years." The House recedes. (p. 63, #71)

In General: The House bill says that assessments may be certified if they are "aligned with the State's content standards certified by the Council." The Senate bill says the assessments shall be certified if the assessment or system of assessments—(1) is aligned with the State's or group of State's challenging content standards certified by the Council; (2) involves multiple measures of student performance; (3) provides for the participation of all students with diverse learning needs; and (4) provides for the accommodations and adaptations necessary to permit such participation. The Senate recedes. (p. 63, #72)

In General: The House bill, but not the Senate bill, includes related services personnel. The Senate recedes. (p. 64, #73)

In General: The House bill, but not the Senate bill, says that the Council shall certify a State's assessment system only if the State has established or adopted opportunity to learn standards. With an amendment, replacing "State's assessment system" with "State assessments". The Senate recedes, with an amendment rewriting the House provision to read as follows:

"(C) The Council shall certify State assessments only if—

"(i) a State can demonstrate that all students have been prepared in the content for which they are being assessed; (ii) such assessments will not be used to make decisions regarding graduation, grade promotion, or retention of students for a period of four years from the date of enactment of this Act; and" (p. 65, #74)

In General: Both the House and Senate bills say that the Council shall certify an assessment system only if it will not be used to make "high stakes" decisions. The House prohibition is for period of five years from the date of enactment of this act; The Senate prohibition is for a period of three years. The House recedes, with an amendment changing the period to four years. (p. 65, #75)

In General: The House bill, but not the Senate bill, says that the Council shall certify an assessment system only if the State has submitted—(1) a description of the purposes for which the assessment system has been designed; (2) the methodologies and process used to develop, select, validate, and use such assessment systems; and (3) a copy of the test instrument and other measures that will make up the system. The Senate recedes, with an amendment adding a fourth submission requirement stating, "a description of other measures the State will use to evaluate student performance", striking "and as appropriate, other measures that will make up the system", and changing "assessment system" to "State assessments" throughout the provision to "State assessments". (p. 65, #76)

In General: The House bill, but not the Senate bill, says that the Council shall certify an assessment system only if the State has submitted evidence that the test or tests are valid, reliable measures of their intended purposes, are aligned with State content standards, are capable of assessing the progress of all students toward learning the material in the State content standards, and are consistent with relevant nationally recognized professional and technical standards. The Senate recedes. (p. 66, #77)

In General: The House bill, but not the Senate bill, requires the Council to, at the request of a State prior to developing an assessment system for a proposed use, review and provide guidance to that State on a proposed package of measures, including tests that would be included in an assessment system. The Senate recedes, with an amendment replacing "developing" with "submitting". (p. 66, #77a)

Implementation: The Senate bill adds the phrase ", if such State or group has challenging State content standards that have been certified by the Council." The Senate recedes. (p. 67, #78a)

Implementation: The Senate bill, but not the House bill, requires the certification criteria to address the extent to which a State's assessment will support effective curriculum instruction. The Senate bill, but not the House bill, refers to assessments being "fair". The House bill, but not the Senate bill, refers to assessments being "consistent with relevant, nationally recognized professional and technical standards for assessment". The Senate recedes. (p. 68, #79)

Implementation: The House bill, but not the Senate bill, refers to "emerging new State and local assessments". The Senate recedes. (p. 68, #80)

Implementation: The House bill requires the Council to certify an assessment only if it includes all students; Senate bill requires that the certification criteria address the extent to which assessments include all students, especially students with disabilities or with limited English proficiency. The Senate recedes, with an amendment saying that the assessment "provides for the adaptations and accommodations necessary to permit such participation." (p. 69, #81)

Performance of Duties: The House bill, but not the Senate bill, requires the Council to provide for a process of broad public input as part of the process of developing criteria for standards and assessments. The Senate recedes. (p. 70, #82)

Performance of Duties: The House bill, but not the Senate bill, requires the Council to periodically recertify the assessments it certifies. The Senate recedes. (p. 71, #83)

Construction: The House bill and the Senate bill have similar provisions regarding the voluntary nature of standards certification, but the House includes assessment certification. The House bill clarifies that State participation in title III of this Act shall not be a condition to participate in any Federal education program. The Senate recedes.

The Senate bill clarifies that the Act does not create a legally enforceable right for any person against a State, LEA, or school based on a standard or assessment certified by NESIC or the NESIC certification criteria. The House recedes.

POWER OF THE COUNCIL

Gifts; Use of Facilities: The Senate bill, but not the House bill, allows NESIC to accept, administer, and utilize gifts or donations of services. The Senate recedes. (p. 74, #84).

ADMINISTRATIVE ARRANGEMENTS AND SUPPORT

Contracts and Other Arrangements: The House bill, but not the Senate bill, requires the Council to transmit to the Secretary the criteria and proposed national content, performance, and opportunity to learn standards and assessments so that the Secretary may publish such criteria and proposed standards in the Federal Register in order to receive public comment. The Senate recedes. (p. 75, #85)

OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS

In General: The House bill authorizes the Secretary to make one OTL development grant; the Senate bill authorizes the Secretary to award more than one such grant. The House recedes. (p. 79, #86)

In General: The Senate bill, but not the House bill, requires the consortia which receive grants to develop a listing of model programs for use by States in assessing the capacity and performance of individual schools and developing appropriate actions to be taken in the event that schools fail to achieve opportunity to learn standards. The House recedes, with an amendment including a new provision to read as follows: "providing all students with an opportunity to learn;". (p. 79, #88)

Composition of Consortium: Both bills require that, to the extent possible, each consortium that receives a grant include the participation of certain people. The House includes "State level policy makers" (e.g. Governors, State legislators, chief State school officers, and State school board members), whereas the Senate requires each of these people separately; the House has one category called "local policymakers and administrators" (e.g., local school board members, superintendents, and principals), whereas the Senate requires each of these people separately; both bills include teachers, but the Senate bill, unlike the House bill, also includes related services personnel; both bills include parents, but the House bill, unlike the Senate bill, also includes individuals with experience in promoting parental involvement in education; the House bill, but not the Senate bill, includes experts in vocational-technical education; the House bill, but not the Senate bill, includes individuals with expertise in school finance and equity, the education of at-risk students, and the preparation and training of teachers and school administrators; both bills include representatives of advocacy groups, but the House specifies "student and civil rights advocacy groups." The Senate recedes, with an amendment to include related service personnel and representatives of advocacy groups including students and civil rights advocacy groups. (p. 80–81, #89)

Composition of Consortium: The House bill, but not the Senate bill, requires that the consortium draw upon current research about student achievement and the necessary conditions for effective teaching and learning, and provide for the development of several consecutive drafts of standards which incorporate the comments and recommendations of educators and other knowledgeable individuals across the Nation. The Senate recedes, with an amendment replacing "several consecutive" with "more than one". (p. 82, #90)

Composition of Consortium: The House bill, but not the Senate bill requires that one-third of the consortium's membership consist of individuals with expertise in the educational needs and assessment of children who are from low-income families, minority backgrounds, have limited-English proficiency, or have disabilities. The Senate recedes. (p. 82, #91)

Composition of Consortium: The House bill, but not the Senate bill, requires that the membership of the consortium be geographically representative and reflect the racial, ethnic, and gender diversity of the United States. The Senate recedes. (p. 82, #92)

Applications: The House bill, but not the Senate bill, requires the Secretary to give a priority to applications from consortia which involve individuals and organizations with the greatest diversity of perspectives and points of view. The House recedes. (p. 83, #93)

Report: The House bill, but not the Senate bill, requires the consortium to submit a report to the Secretary which discusses the background, important issues, and rationale regarding the voluntary national opportunity to learn standards. The Senate recedes. (p. 83, #94)

Assessment development and evaluation grants

General: The House bill and the Senate bill have similar provisions regarding grants for the development of assessments. They differ as follows: The House provision is in its own section and has a separate funding authorization; the Senate provision is in Section 313(b) and may be funded from a pool of funds (drawn from not more than 50% of the National Leadership money), which funds may also be used for assistance to urban and rural LEAs, schools, or consortia. The two possible uses of funds are connected by the world "or"—so the Secretary must provide either urban and rural assistance or assessment assistance, or both. The House bill lists the eligible entities as "States and local educational agencies"; the Senate bill lists the eligible entities as a State or local educational agency, nonprofit organization or consortium thereof". The Senate recedes. It is the intent of the conferees that when the Secretary makes grants to SEAs or LEAs, such agencies can work with organizations of demonstrated effectiveness.

General: The Senate bill, but not the House bill, puts a priority on grants or contracts for limited English proficient students or students with disabilities. The Senate recedes, with an amendment inserting "and for students with disabilities" and the end of the provision. (p. 84a, #96)

General: The House bill requires the Secretary to reserve a portion of the funds authorized for assessment grants to make grants to SEAs and LEAs for purposes of developing assessments in languages other than English. The Senate recedes, with an amendment inserting "and for students with disabilities" and the end of the provision. (p. 84a, #96)

Requirements: The House bill, but not the Senate bill, says that an assessment system developed and evaluated with funds under this section may not be used to make "high stakes" decisions for a period of five years from the date of enactment of this Act. The Senate recedes, with an amendment replacing "an assessment system" with "State assessments". (p. 85, #99)

EVALUATION

Grant: The House bill, but not the Senate bill, requires that Secretary annually make a grant to the National Academy of Sciences or to the National Academy of Education to conduct an evaluation of technical quality of the work performed by the Goals Panel and the Council; the process used by the Council to develop criteria for certification and to certify standards and assessments; and the process used by the Goals Panel to approve certification criteria and standards. The grantee must also periodically provide the Goals Panel and the Council information from the evaluation, and report on the opportunity to learn and assessment development grants. Finally, the grantee must periodically report to Congress, the Secretary, and the public regarding its findings, and shall make a final report not later than January 1, 1998. The Senate recedes, with an amendment specifying that the National Academy of Education is the group to do the study and that the study be done only once during reauthorization of the bill, with the final report finished by January 1, 1998. (p. 86, #100)

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

PURPOSES

Purpose: The Senate bill, but not the House bill, includes a new program in title II for Leadership in Educational Technology. The House recedes. (p. 88, 1st #101)

FEDERAL LEADERSHIP ACTIVITIES AUTHORIZED

In General: The Senate bill, but not the House bill, authorizes the Secretary, in consultation with the National Science Foundation, the Department of Commerce, and other appropriate Federal departments or agencies, to carry out activities designed to provide Federal leadership in promoting higher student achievement through the use of technology in education. The House recedes. (p. 91, 1st #101)

Transfer of Funds: The Senate bill, but not the House bill, in order to carry out coordinated or joint activities to achieve the purposes of this program, allows the Secretary to accept funds from, and transfer funds to, other Federal departments or agencies. The House recedes, with an amendment deleting "transfer funds to". (p. 91, 2nd #101)

NATIONAL LONG-RANGE PLAN

The Senate bill, but not the House bill, requires the Secretary to publish within 12 months of the enactment of this Act, a national long-range plan to carry out the purposes of this part. The Secretary must develop the plan in consultation with other Federal departments or agencies, State and local educators and policymakers, experts in technology, and providers of technology; transmit the plan to the President and Congress; and publish the plan. The plan must describe how the Secretary will encourage the use of technology in order to provide all students the opportunity to achieve State standards, joint activities to be conducted with other Federal agencies and departments; how the Secretary will work with educators and State and local educational agencies to facilitate the use of technology in education; how the Secretary will promote higher achievement of all students through the integration of technology in the curriculum, increased access to technology, the use of technology to assist in the implementation of State systemic reform strategies, the application of technological advances, and the professional development of teachers in the use of new technologies; how the Secretary will determine the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology; and the Secretary's long-range measurable goals and objectives relating to the purposes of this part. The House recedes.

The Senate bill, but not the House bill, requires the Secretary to provide assistance to the States to enable them to plan effectively for the use of technology in all schools. The House recedes.

OFFICE OF EDUCATIONAL TECHNOLOGY

Amendment to the Department of Education Organization Act: The Senate bill, but not the House bill, creates an Office of Educational Technology in the Department of Education. The House recedes, with an amendment striking the reference to the General Education Provisions Act. (p. 96, 2nd #101)

Establishment: The Senate bill, but not the House bill, delineates the functions of the Director of the Office of Educational Technology as carrying out part C of the Goals 2000: Educate America Act; providing leadership to the Nation in the use of technology and to promote the achievement of the National Education Goals; reviewing all programs and training functions administered by the Department in order to promote the infusion of technology and technology planning throughout all such programs; and performing additional functions as the Secretary may require. The House recedes, with an amendment putting the matter into the Department of Education Organization Act. (p. 97, #101)

Personnel: The Senate bill, but not the House bill, authorizes the Director, to select, appoint, and employ such officers and employees as may be necessary. The House recedes (p. 99, 1st #101)

Compensation of the Director: The Senate bill, but not the House bill, amends section 5315 of the U.S. code in order to provide for the compensation of the Director. The House recedes. (p. 99, 2nd #101)

USES OF FUNDS

In General: The Senate bill, but not the House bill, authorizes the Secretary to use funds appropriated for part to carry out activities to achieve the purpose of this part, including providing assistance to technical assistance providers so that they might improve their services; consulting with interested parties in carrying out this part; conducting research on and developing guidelines to facilitate maximum interoperability; conducting research on and developing educational applications of the most advanced and newly emerging technologies; developing and evaluating software, model strategies for preparing teachers to use technology, and model programs; conducting conferences; and other activities. The House recedes. (p. 100, #101)

Grants and Contracts: The Senate bill, but not the House bill, requires the Secretary to carry out activities directly by grant or contract, and requires that each grant or contract be awarded on a competitive basis and pursuant to a peer review process. The House recedes. (p. 103, #101)

NON-FEDERAL SHARE

In General: The Senate bill, but not the House bill, allows the Secretary to require any recipient of a grant or contract to share the costs of the activities under this part. The House recedes. (p. 103, no #)

OFFICE OF TRAINING TECHNOLOGY TRANSFER

Transfer: The Senate bill, but not the House bill, requires that the Office of Training Technology Transfer established under section 6103 of the Training Technology Act of 1988, be transferred to the Office of Educational Technology. The House recedes, with an amendment to add "and established in" before the Office. (p. 104, #101)

AUTHORIZATION OF APPROPRIATIONS

Authorization of Appropriations: The Senate bill, but not the House bill, amends section 6108 of the Training Technology Transfer Act of 1988 to authorize $3,000,000 to be appropriated in fiscal year 1995, and such sums as may be necessary in fiscal years 1996 through 1999. The Senate recedes. (p. 105, #101)

Opportunity to Learn Development Grant: The House bill authorizes $3,000,000 to be appropriated for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 to carry out the opportunity to learn development grant program; the Senate bill authorizes $1,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995 to carry out the opportunity to learn development grant program. The House recedes, with an amendment replacing "1,000,000" with "2,000,000". (p. 106, #102)

Assessment Development and Evaluation Grant: The House bill authorizes $5,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out the assessment development and evaluation grants program; the Senate bill allows the Secretary to use a portion of the funds reserved for National Leadership Activities under title III for the assessment development grants. The Senate recedes. (p. 107, #103)

Leadership in Educational Technology: The Senate bill, but not the House bill, authorizes $5,000,000 to be appropriated for fiscal year 1994 and such sums as may be necessary to each of the fiscal years 1995 through 1998 to carry out the technology program. The Senate recedes. (p. 107, #104)

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

FINDINGS

Titles: Different Titles (House: CONGRESSIONAL FINDINGS; Senate: FINDINGS). The House recedes. (p. 108, no #)

Findings: The House bill refers to "learn and achieve high standards"; the Senate bill refers to "learn to high standards". The Senate recedes. (p. 108, no #)

Findings: The House bill, but not the Senate bill, adds the phrase "in order to increase student learning". The Senate recedes. (p. 109, #105)

Fingings: The House bill refers to "child care"; the Senate bill refers to "early childhood education and child care". The House recedes. (p. 110, #106)

Findings: The House bill, but not the Senate bill, states that schools should provide information to business regarding how the business community can assist schools in meeting the goals of this Act. The Senate recedes. (p. 111, #108)

Findings: The House bill, but not the Senate bill, includes a finding regarding institutions of higher education entering into partnerships with schools. The Senate recedes. (p. 111, #109)

Findings: The House bill refers to "helping to bring all students the opportunity to learn"; the Senate bill refers to "helping to provide all students with the opportunity to learn". The House recedes. (p. 111, no #)

Findings: The Senate bill, but not the House bill, includes a finding stating that all students are entitled to teaching practices that are in accordance with accepted standards of professional practice. The Senate recedes. (p. 112, #110)

Findings: The Senate bill, but not the House bill, includes a finding stating that all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs. The House recedes. (p. 112, #111)

Findings: The Senate bill, but not the House bill, includes a finding stating that quality education management services are being used by LEAs and schools that contract out for services. The House recedes. (p. 112, #112)

PURPOSE

Purpose: The House bill says the purpose of the title is to improve the quality of education for all students "by improving student learning through a long-term, broad-based effort to promote" while the Senate refers to the same purpose "by supporting a long-term, broad-based effort to provide". The Senate recedes. (p. 112, no #)

Purpose: The House bill refers to "throughout the Nation at the local and State levels"; the Senate bill refers to "throughout our Nation at the State and local levels". The House recedes, with an amendment replacing "our Nation" with "the Nation". (p. 112, no #)

AUTHORIZATION OF APPROPRIATIONS

Authorization: The House bill authorizes $393,000,000 to be appropriated in FY 1994; the Senate bill authorizes $400,000,000 to be appropriated in FY 1994, and the wording is different. The House recedes. (p. 113, #113)

ALLOTMENT OF FUNDS

Reservation of Funds: The House bill refers to "funds appropriated under section 303"; the Senate bill refers to "funds appropriated pursuant to the authority of section 303 in each fiscal year". The Senate recedes. (p. 113, no #)

Reservation of Funds: The House bill, but not the Senate bill, includes the parenthetical phrase "(referred to in this Act as the 'Bureau')". The Senate recedes. (p. 114, #113a)

Reservation of Funds: The Senate bill, but not the House bill, includes assistance to Alaska Native students under this subsection. The House recedes. (p. 114, #114)

Reservation of Funds: The House bill reserves up to 6 percent for national activities; the Senate bill reserves not more than 4 percent for national activities. The House recedes, with an amendment that changes the reserved funds to 5 percent. (p. 114, #115)

Reservation of Funds: The Senate bill, but not the House bill, specifies the subsections of section 313 (National Leadership Activities) for which funds may be reserved under this paragraph. This is because the House and Senate bills have different versions of section 313. (See section 313 for details.) The Senate recedes. (p. 114, #115a)

Reservation of Funds: The House bill, but not the Senate bill, authorizes the cost of the evaluation activities to be met with the funds reserved for national activities. The Senate recedes. (p. 114, #116)

State Allotments: The House bill refers to "States"; the Senate bill refers to "State educational agencies". The House recedes. (p. 115, no #)

Reallotments: The House bill refers to "State's"; the Senate bill refers to "State educational agency's". The House recedes. (p. 116, no #)

Reallotments: The House bill refers to "States"; the Senate bill refers to "State educational agencies". The House recedes. (p. 116, no #)

Maintenance of Effort: The Senate bill, but not the House bill, includes a maintenance of effort requirement. The House recedes, with an amendment striking the last except clause and inserting the following after "received": except that the Secretary may waive the applicability of this subsection when the recipient presents justifiable reasons for a reduction of expenditures. (p. 116, #118)

Supplement Not Supplant: The Senate bill, but not the House bill, includes a supplement not supplant requirement. The Senate recedes. (p. 117, #119)

STATE APPLICATIONS

Application

The conference agreement makes clear that states may apply for a one-year planning grant in order to develop a plan. Once they have a plan, states may use the plan as their application for implementation funds.

In General: The House bill refers to "State"; the Senate bill refers to "State educational agency". The House recedes. (p. 117, no #)

Additional Information: The House bill, but not the Senate bill, requires an assurance that the student achievement standards developed pursuant to this Act are not less rigorous than those standards used prior to enactment of this Act. The Senate recedes. (p. 118, #120)

Additional Information: The House bill, but not the Senate bill, requires an assurance that States will provide for broad public participation in the planning process. The Senate recedes. (p. 118, #121)

First Year: The House bill refers to "State's"; the Senate bill refers to "State educational agency's". The House recedes. (p. 119, no #)

Subsequent Years: The House bill refers to "A State's second application"; the Senate bill refers to "A State educational agency's application for the second year of assistance". The House recedes. (p. 119, no #)

STATE IMPROVEMENT PLANS

Basic scope of plan

Basic Scope of Plan: The House bill refers to "plan"; the Senate bill refers to "State improvement plan". The House recedes throughout the bill.

Basic Scope of Plan: The Senate bill, but not the House bill, eliminates the words "fundamental restructuring". The House recedes.

The House bill in this section requires any State that wishes to receive a grant to address the establishment of content and student performance standards and the means to have students achieve them. It lists the requirements that are repeated in subsections (c) through (i) below. The Senate bill requires only that any State that wishes to receive an allotment to develop a State improvement plan for education in the State. The Senate bill lists the requirements only in subsections (c) through (i) below.

The differences between the two bills in this subsections are compared in those subsections. The House recedes with an amendment, adding "Consistent with the requirements of this section," at the start of the provision and moving paragraph (7) to a new subsection in the State plan section, and amending that paragraph to read as follows: "(i) each state plan shall establish strategies to assist local educational agencies and schools to meet the needs of children aged 5 to 17 who have dropped out of school and the extent to which such children can be brought back into the education system and meet state standards;".

Plan development

In General: The House bill states that the State plan "must be developed by a broad-based panel (referred to in this title as the 'panel')"; The Senate bill states that the State plan "shall be developed by a broad-based panel". The House recedes. (p. 123, no #)

In General: The House bill refers to "teachers"; the Senate bill refers to "school teachers" and "related services personnel". The House bill includes deans of colleges of education. The Senate recedes, with an amendment changing deans of colleges of education to "deans or senior administrators of a college, school, or department of education". (p. 124, #125b)

In General: The House bill refers to "Indian tribes"; the Senate bill refers to "tribal agencies", and in the Senate bill, the "as appropriate" modifies tribal agencies; in the House bill the "as appropriate" modifies others. The Senate recedes, with an amendment deleting "Indian tribes" and inserting "Indian tribes and others" after "and, as appropriate". (p. 124, no #)

In General: The House bill refers to "State and local officials responsible for health, social services, and other related services"; the Senate bill refers to State and local officials". The Senate recedes. (p. 124, no #)

In General: The Senate bill, but not the House bill, refers to "organizations serving young children" and "secondary students". The House recedes. (p. 124, 1st #126)

In General: The House bill, but not the Senate bill, includes representatives from rural and urban local educational agencies. The Senate recedes, with an amendment adding "as appropriate" after "the State". (p. 124, 2nd #126)

In General: The Senate bill provides that a representative from a private, non-profit elementary and secondary school should be included on the panel. The House recedes, with an amendment that the representative must come from a private school that is participating in federal programs of aid to education. (p. 124, 3rd #126)

In General: The House bill, but not the Senate bill, includes experts in educational measurement and assessment. The Senate recedes. (p. 124, 4th #126)

Appointment: The House bill requires the State panel to establish procedures regarding the operation of the panel, including the designation of the panel chairperson; the Senate bill requires the Governor and the chief State school officer to jointly select the chairperson of the panel and the representative of a private, non-profit elementary and secondary school described in paragraph (1)(D). The Senate recedes, with an amendment that the Governor and chief State school officer jointly select a private school representative, and that the representative come from a private school participating in federal programs of aid to education. (p. 125, #127)

Representation: The House bill adds the words "To the extent feasible" before "The membership". The Senate recedes. (p. 125, #128)

Representation: The House bill, but not the Senate bill, requires that one-third of the panel members be individuals with expertise in educational needs and assessments of children who are from low income families, minority group backgrounds, have limited English proficiency, or have disabilities. The Senate recedes, with an amendment establishing the number of panel members with expertise or background in the educational needs or assessments of children from low-income families, with minority group backgrounds, with limited-English proficiency, or with disabilities, in a proportion not less than the proportion that such children bear to all children in the state or one-third, whichever is less. (p. 125, #129)

Outreach: The House bill refers to "Indian tribes"; the Senate bill refers to "tribal government officials, as appropriate". The House recedes. (p. 126, no#)

Outreach: The Senate bill, but not the House bill, refers to specific groups within the State's diverse population of students and clarifies the definition of Native American students to include "American Indian, Alaska Native, and Native Hawaiian" students. The House recedes, with the amendment adding, "as appropriate". (p. 126, #130)

Outreach: The Senate bill, but not the House bill, refers to assuring that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers. The House recedes. (p. 126, #131)

Outreach: The House bill, but not the Senate bill, requires the State panel to develop a continuing process for interacting with local educational agencies and schools engaged in systemic reform which receive subgrants under this Act. The House recedes. (p. 127, #132)

Submission: The Senate bill requires the submission of both the State improvement plan and the plan developed by the panel with an explanation of the differences. The House bill requires the submission of the State's plan only if it has modified the panel's plan, and also requires an explanation of the changes. The Senate recedes. (p. 127, #133)

Monitoring; Revisions; Reporting: The House bill requires the panel to monitor the implementation and effectiveness of the state's plan after it has been approved by the Secretary. The Senate bill requires the SEA to inform the panel about progress of the state's plan, but the SEA monitors "the implementation and operation of the plan." The House recedes. (p. 128, #134)

Teaching, Learning, Standards, and Assessments: Both the House bill and the Senate amendment include a section on improving teaching and learning in the state plan. The House bill requires the plan to establish strategies and a timetable for improving teaching and learning; the Senate bill requires the plan to establish strategies for meeting the National Education Goals by improving teaching and learning, and requires that the strategies involve broad-based and ongoing classroom teacher input. The Senate bill, but not the House bill, also says the State improvement plan must establish strategies for improving students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula.

The conference agreement combines elements of the two bills so that each state plan, with broad-based classroom teacher input, must establish strategies for meeting the National Goals by improving teaching and learning and students' mastery of basic and advanced skills in core content areas, such as English, mathematics, science (including physics), history, geography, foreign languages, the arts, civics and government, and economics.

Both the House bill and the Senate amendment included lists of activities under the Teaching, Learning, Standards, and Assessments subsection. In the House bill, these activities were required elements of the plan, while in the Senate amendment they were illustrative examples. The elements in the lists also differed somewhat.

The conference agreement makes four of these elements required—(1) a process for developing or adopting content and student performance standards for all students, including coordination with the Perkins Act; (2) a process for developing valid, nondiscriminatory, and reliable State assessments; (3) a process for aligning State or local curricula, instructional materials, and State assessments with the State content and performance standards; and (4) a process for familiarizing teachers with the State content and performance standards and developing the capability of teachers to provide high quality instruction within such content areas. All other elements from both the House bill and the Senate amendment are included in a second list of illustrative examples. Duplicative provisions are eliminated, and there are minor drafting changes.

On the required assessment provision, the House receded to the Senate language with minor changes.

Opportunity-to-Learn Standards: The House bill requires each State plan to establish a strategy and timetable for adopting and establishing opportunity to learn standards, and each item following is an item which must be addressed by the State plan. The Senate bill requires each State improvement plan to establish strategies for providing all students with an opportunity to learn. The conference agreement provides for the following with regard to the issue of opportunity to learn:

(d) OPPORTUNITY TO LEARN STANDARDS OR STRATEGIES.—

(1) Each State improvement plan shall establish standards or strategies for providing all students with an opportunity to learn. These standards or strategies shall include such factors that the State deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills as described in content and performance standards adopted by the State.

(2) Notwithstanding any other provisions of this Act, the implementation of opportunity to learn standards or strategies shall be voluntary on the part of the States, local educational agencies, and schools.

(3) Nothing in this section shall be construed to—(A) mandate equalize spending per pupil for a State, local educational agency, or school; or (B) mandate national school building standards for a State, local educational agency, or school." It is the intent of the conferees that the factors referenced in subsection (d) include those listed in subsection (c).

Accountability and Governance and Management: The House and Senate bills both requires the state plan to establish strategies for improvement management; the House bill includes governance and management while the Senate bill includes accountability and management. The House bill lists a series of activities that a state may undertake while the Senate has no list. The Senate recedes, with amendment to add accountability to the title and the provision. (p. 134, #145)

The House bill's list of activities includes:

1. States may align responsibility, authority, and accountability throughout the education system. The Senate recedes, with an amendment striking "regarding content and student performance standards are coordinated with decisions". (p. 135, #145)

2. States may create an integrated and coherent approach to attracting, recruiting, preparing and licensing, appraising, rewarding, retaining, and supporting the professional development of teachers, administrators, and other educators. The Senate receded, striking the House language and replacing it with: "(2) creating an integrated and coherent approach to recruiting, retaining, and supporting the continued professional development of teachers (including vocational teachers) and

other educators, with special attention to the recruitment and retention of qualified minorities into the education profession:", (p. 135, #145)

3. States may provide incentives for high performance. The House recedes. (p. 136, #145)

4. States may increase the proportion of State and local funds allocated to direct instructional purposes. The House recedes. (p. 136, #145)

5, States may increase flexibility for local educational agencies and schools. The House recedes. (p. 136, #145)

Parental and Community Support and involvement: The House bill requires each State plan to describe strategies for how the State will involve parents and other community members in planning, designing, and implementing its plan and then goes on to list a series of allowable strategies; the Senate bill requires each State to describe comprehensive strategies to involve the community (and then list different parts of the community) in helping all students the challenging State standards. The Senate recedes, with an amendment replacing "members" with "representatives" after "community". (p. 137, #146)

The House list includes:

1. educating the public about the need for higher standards, systemic improvement, and awareness of diverse learning needs. The House recedes. (p. 137, #146)

2. involving parents, communities, and advocacy groups in the standards setting and improvement process. The House recedes. (p. 138, #146)

3. linking the family and school in supporting students in order to meet the standards. The House recedes. (p. 138, #146)

4. reporting to parents, educators, and the public on the progress of implementing the State plan and improving student performance. The House recedes. (p. 138, #146)

5. focusing public and private resources on prevention and early intervention. The Senate recedes, with an amendment striking "(B) improving communications and information exchange; and" and "(C) providing appropriate training to agency personnel,". (p. 138, #146)

6. increasing the access of all students to social services, health care, nutrition, related services and child care services. The Senate recedes. (p. 139, #146)

Making the Improvement System-Wide: The House bill requires State plans to described the strategies States will employ to help provide all students throughout the State the opportunity to meet challenging State standards, and then list a series of allowable strategies; the Senate bill requires State improvement plans to describe the various strategies for ensuing that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time in order to help provide all students throughout the State the opportunity to meet challenging State standards. The Senate recedes. (p. 139, #147)

The House list of allowable strategies includes:

1. ensuring that the improvement efforts expand from the initial local educational agencies, schools and educators in-

volved to all such entities in the State. The House recedes. (p. 139, #147)

2. developing partnerships among preschools, elementary and secondary schools, institutions of higher education, cultural institutions, health and social service providers and employers. The House recedes. (p. 140, #147)

3. providing for the close coordination of standards development and improvements efforts among institutions of higher education, secondary and elementary schools. The House recedes. (p. 140, #147)

4. conducting parental involvement activities and outreach programs to involve all segments of the community in the development of the State plan. The House recedes. (p. 140, #147)

5. developing partnerships with Indian tribes and schools funded by the Bureau of Indian Affairs. The Senate recedes, with an amendment moving this subsection to be in the last in the list. (p. 141, #147)

6. allocating all available local, State, and Federal resources to achieve systemwide improvement. The House recedes. (p. 141, #147)

7. providing for the development of objective criteria and measures against which the success of the local plans will be evaluated. The House recedes. (p. 141. #147)

8. providing for the available curricular materials, learning technologies, and professional development in a manner ensuring equal access by all local educational agencies in the State. The Senate recedes. (p. 141. #147)

9. taking steps to ensure that all local educational agencies, schools, and educators in the State benefit from successful programs and practices supported by funds under this title. The House recedes. (p. 141, #147)

10. providing assistance to students, teachers, schools and local educational agencies that are identified as needing assistance. The House recedes. (p. 142, #147)

Promoting Bottom-Up Reform: Both the House and Senate require the state plan to include strategies for ensuring that reform is promoted from the bottom up. The Senate recedes. (p. 142, #148)

The House bill also includes a list of allowable strategies:

1. ensuring that the State plan is responsive to the needs and experiences of local educational agencies, schools, teachers, the communities, and parents. The House recedes. (p. 142, #148)

2. establishing mechanisms for continuous input and feedback from schools, communities, advocacy groups, institutions of higher education, and local educational agencies. The House recedes. (p. 142, #148)

3. providing discretionary resources that enable teachers and schools to purchase needed professional development. The House recedes. (p. 143, #148)

4. establishing collaborative networks of teachers. The House recedes. (p. 143, #148)

5. providing flexibility to schools and local educational agencies. The Senate recedes. (p. 143, #148)

6. facilitating the provision of waivers from State rules and regulations that impede the local educational agency's ability to carry out plans. The Senate recedes. (p. 143, #148)

7. facilitating communication among educators and within local educational agencies. The House recedes. (p. 144, #148)

Coordination with School-to-Work Programs: The House bill, but not the Senate bill, requires that a State that has received a school to work grant include a description of how such program will be incorporated into school reform efforts, and requires the plan to demonstrate how secondary schools will be modified in order to provide certain services. The Senate recedes. (p. 144, #149)

Benchmarks and Timelines: The House bill, but not the Senate bill, requires State plans to include strategies for coordinating the integration of academic and vocational instruction. The Senate recedes. (p. 145, #150)

Benchmarks and Timelines: The House bill requires each State to describe how it will monitor progress toward implementing the State and local plans and the procedures that the State will use to ensure that schools and school districts meet State opportunity to learn and content standards within the established timelines. The Senate recedes, with an amendment rewriting paragraph (2) of the House language to read as follows: "(2) procedures the State plans to use, consistent with State law, to improve schools that are not meeting the content standards voluntarily adopted by the State within the established timelines;". With regard to this item and item regarding accountability, governance and management in disagreement, it is the intent of the conferees that each State plan, as part of monitoring progress, should provide for the periodic reporting to the public on the extent of the State's improvement in providng all students with an opportunity to achieve the knowledge and skill levels that meet the State's content and student performance standards. (p. 145, #151)

PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL

Prohibition: Both bills include a general prohibition on Federal mandates, direction, and control although the House bill limits the prohibition to this Section and the Senate bill applies it to the Act. The Senate version also says that this Act does not allow the Federal government to mandate a State or locality to incur costs not paid for under this act. The House recedes. (p. 146a, #152)

Construction: The Senate bill, but not the House bill, clarifies that nothing in this Act shall be construed to supersede the provisions of section 103 of the Department of Education Organization Act, and to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act. The Senate bill also contains numerous specific prohibitions on federal mandates. The Senate recedes.

It is the intent of the conferees that nothing in this legislation supersedes Section 103 of the Department of Education Organization Act. This would include, but is not limited to, prohibiting the federal government from mandating to states, local educational agencies, or schools: limitations on class size, a Federal teacher certification system, teacher instructional practices, equalized per pupil spending, school building standards, curriculum content, or curriculum framework, instructional material, examination, or assessment for private, religious, or home schools.

STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION

Findings

Finding: The Senate bill includes a provision reaffirming State and local responsibility for the control of education. The House recedes. (p. 146c, #153)

Peer review and secretarial approval

In General: The House and Senate bills both require approval by the Secretary of Education, with advice. The Senate bill adds "within a reasonable period of time" and the word "peer" to review. The House recedes. (p. 146f, #154)

In General: Both Senate and House bills require involvement of advocates, but the House bill says "advocates of children with disabilities". The House recedes. (p. 146f, #155)

In General: The Senate bill, but not the House bill, does not require the Secretary to review a State application through the peer review process and conduct a site visit for a State educational agency in the first year. The House recedes, with an amendment to add "except during the period of when a grant is being developed" after "Such peer review process shall include at least 1 site visit to each State." (p. 147, #156)

Approval of Plan: Both the House and Senate bills require the Secretary to approve a state's plan after reviewing the peer reviewers' comments. There are some differences in what the bills require the Secretary to consider. The House adds "holds promise of enabling all students to achieve at high levels", meets the requirements of subsections (a) through (k), and allows schools, LEAs, and communities the flexibility to implement plans. The Senate version adds that the plan should have been submitted within two years after an SEA got its first allotment and if it "holds reasonable promise of helping all students." The Senate recedes, with an amendment to keep its provision of a two-year deadline and replacing "enabling" in the House provision with "helping". (p. 147, #157)

Disapproval: The House bill, but not the Senate bill, requires that each State plan include a process for regularly reviewing and updating standards and assessments. The Senate recedes, with an amendment replacing "regularly" with "periodically" and adding "or strategies" after "opportunity to learn standards". (p. 148, #158)

Amendments to plan

In General: The House bill refers to "Each State"; the Senate bill refers to "Each State educational agency". The House recedes. (p. 148, no #)

Review: The House bill requires the Secretary to review major amendments to the State plan through the same process used to review the original plan—i.e., peer review as described in (n)(1), criteria as described in (n)(2), and an opportunity for revision and a hearing as described in (n)(3).

The Senate bill also requires the Secretary to review any major amendment to the State improvement plan, but only specifies that the Secretary shall not disapprove any such amendment before offering the State educational agency an opportunity for revision and a hearing (the equivalent of (n)(3) in the House bill). The Senate bill does not require the Secretary to conduct a peer review for amendments to the plan. The House recedes. (p. 149, #159)

Preexisting State Plans and Panel: The House bill refers to a plan that "otherwise meets the requirements of this section"; the Senate bill refers to a plan that "meets the intent and purposes of section 302." The House recedes, with an amendment replacing "of section 302" with "of this section". (p. 149, #159a)

Preexisting State Plans and Panel: The House bill says the Secretary may approve preexisting plans; the Senate bill says the Secretary shall approve such preexisting plans if they meet all the requirements listed. The Senate recedes. (p. 149, #160)

The Senate bill, but not the House bill, requires that the preexisting plan ensures broad-based participation of representatives from education, political, community groups, and other appropriate groups. The Senate recedes. (p. 149, #161)

Special Rule: The House bill refers to meeting the "requirements of this section"; the Senate bill refers to meeting the "intent and purposes of section 302". The Senate recedes, with an amendment replacing "requirements" with "intents and purposes". (p. 150, #159a)

Special Rule: The House bill says the Secretary "may"; the Senate bill says the Secretary "shall". The Senate recedes. (p. 150, #161a)

The House bill allows the Secretary to treat the panel as "meeting the requirements of this title"; the Senate bill allows the Secretary to treat the panel as "meeting such requirements for all purposes of this title". The Senate recedes. (p. 150, #159aa)

The House bill refers to "statewide involvement of educators, parents, students, advocacy groups, and other interested members of the public"; the Senate bill refers to "substantial public and educator involvement". The Senate recedes. (p. 150, #162)

The Senate bill, but not the House bill, allows the Secretary to approve, at the request of the Governor and the State educational agency, an existing panel if the Secretary determines that the existing panel is serving a similar purpose and if the composition of the panel would ensure broad-based input from various education, political, community and other appropriate representatives. The Senate recedes. (p. 151, #163)

Secretarial review of applications; payments

First Year: The House bill refers to "the renewal application of the State will be able to develop"; the Senate bill refers to "the State will be able to develop". The Senate recedes. (p. 152, no #)

Second Through Fifth Years: The Senate bill, but not the House bill, requires that in order for a State to have its renewal application approved, it must implement its State improvement plan not later than the end of the second year of participation. The House recedes. (p. 152, #164)

State use of funds

First Year: The House bill, but not the Senate bill, requires that, if appropriations for section 304(b) is at least $50,000,000, States receiving a grant use at least 75 percent of such funds for subgrants to local educational agencies to allow such agency to develop or implement local improvement plans or for professional development activities; and a State may use the remainder of such funds for State activities under section 306. If appropriations for section 304(b) are less than $50,000,000, then a State is not required to make subgrants to local educational agencies. The Senate recedes, with an amendment setting the percentage at 60 percent. (p. 153, #165)

First Year: The Senate bill sets the trigger at $200 million, and then States must use at least 75% of funds for subgrants. The Senate bill also says that if funds appropriated are greater than $100,000,000 but less than $200,000,000, then the State shall use at least 50 percent of such funds for local educational agency subgrants; if funds appropriated are less than $100,000,000, then a State may make subgrant grants to local educational agencies. The Senate recedes. (p. 154, #165)

Succeeding Years: The House bill requires that States receiving an allotment for any year after the first year of participation use 90 percent of such funds for subgrants to local educational agencies to implement local and State improvement plans and for professional development activities; the Senate bill requires that 85 percent of such funds be used for subgrants. The Senate recedes. (p. 155, #166)

Succeeding Years: Senate adds "related service personnel" to educators. The Senate recedes. (p. 155, #166a)

Succeeding Years: The House bill says that, if the State uses its funds for developing or adopting standards, it must do so through consortia of States "and" in conjunction with NESIC. The Senate bill says that, if the State uses its funds for developing or adopting standards, it must do so through a consortia of States "or" in conjunction with NESIC. The House recedes. (p. 156, #167)

Succeeding Years: The House bill, but not the Senate bill, includes limited-English proficient students. The Senate recedes. (p. 157, #168)

Succeeding Years: The Senate bill, but not the House bill, includes as an allowable activity supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, etc., including significantly reducing class size and promoting instruction in chess. The House recedes, with an amendment to strike the provision regarding chess, ending the provision with "creative resolution methods." (p. 157, #169)

Succeeding Years: The Senate bill includes organizations serving young children and includes training for parents. The House recedes. (p. 157, #171)

Succeeding Years: The House bill refers to "promoting public magnet schools, public 'charter schools', and other mechanisms for increasing choice among public schools"; the Senate bill refers to "promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools". The Senate recedes, with an amendment to include the Senate provision about information and referral programs. (p. 158, #172)

Succeeding Years: The Senate bill adds provisions for supporting activities related to start-up costs or evaluation costs associated with contracts between LEAs and private management contracts. The House recedes, with an amendment striking "start-up costs or" from the provision. It is the intent of the conferees that private companies engaging in these types of contracts must pay for start-up costs. (p. 158, #173)

Succeeding Years: The Senate bill also allows programs for mentoring and for programs that restore discipline and reduce violence. The House recedes. (p. 158, #174)

Succeeding Years: The Senate bill, but not the House bill, includes a special rule regarding any new public school that is established under this title. The House recedes. (p. 159, #175)

SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT

Subgrants for local educational agencies

In General: The House bill, but not the Senate bill, allows States to make subgrants to consortia of local education agencies. The Senate recedes.

In General: The House bill says that State subgrants to LEAs must be consistent with sections 308(a)(1) and 308(b)(1)(A)—these sections indicate how much of the money a State receives must be used for subgrants. The Senate bill says that SEA subgrants to LEAs must be used to carry out the authorized activities described in paragraph (4)—this paragraph describes how an LEA can use its subgrant and how the subgrant must be allocated. The Senate recedes, with an amendment specifying the cross-references to authorized activities.

In General: The House bill, but not the Senate bill, requires the State to make at least one subgrant to a rural local educational agency and at least one subgrant to an urban local educational agency. The Senate recedes, with an amendment adding "where appropriate".

Application Required: The House bill includes an additional first paragraph that refers to LEAs wishing to receive a subgrant "under this title" (not subsection). This paragraph also requires LEAs to include in their application assurances that they intend to develop a plan that meets the requirements of this section.

The House bill (in paragraph 3) requires LEAs to submit a "local plan"; the Senate bill requires an "application." (The House bill also requires an "application" in paragraph 2 above.) The Senate recedes, with an amendment adding "for one year only" after "under this title".

Application Required: The Senate bill includes related services personnel, secondary students, early childhood educators, and community-based organizations. The Senate recedes.

Application Required: The House bill includes advocacy groups. The Senate recedes.

Application Required: The House bill, but not the Senate bill, requires the local panel to establish the procedures regarding the operation of the panel, including the designation of the chairperson. The Senate recedes.

Application Required: The House bill requires, in the first year, a "comprehensive local plan" that is consistent with the State improvement plan (which is either approved or under development); the Senate bill requires a "comprehensive local improvement plan" that LEAs must include in the application submitted for the second year of participation. The Senate recedes, with an amendment replacing "includes a comprehensive local plan for" with "shall address" at the beginning of the provision, and inserting "reflecting the priorities of" after "benchmarks," and before "consistent".

Application Required: The House bill requires a strategy for implementing opportunity to learn standards; the Senate bill requires a strategy for ensuring that all students have a fair opportunity to learn. The House recedes.

Application Required: The House bill requires a strategy for "generating and strengthening parental and community involvement"; the Senate bill requires a strategy for "generating and maintaining parental and community involvement". The Senate recedes, with an amendment including "maintaining" along with "generating and strengthening" parental and community involvement.

Application Required: The House bill, but not the Senate bill, requires the local plan to promote the flexibility of local schools in developing plans which address the particular needs of their school and community and are consistent with the local plan. The Senate recedes.

Application Required: The House bill, but not the Senate bill, requires the local plan to describe a process of broad-based community participation in the development, implementation, and evaluation of the local plan. The Senate recedes.

Application Required: Both bills require a description of how the LEA help individual schools develop plans. The Senate bill includes "and implement." The House bill says "relevant" elements; the Senate bill says "each" element. The Senate recedes, with an amendment to include "and implement" after "develop" with regard to comprehensive school improvement plans.

Application Required: The House bill refers to "public and private agencies"; the Senate bill refers to "public and private nonprofit agencies". The House recedes (p. 164, no #)

Application Required: The House bill refers to "coordinated services"; the Senate bill refers to "coordinated nonsectarian services". The House recedes. (p. 164, no #)

Application Required: The House bill requires that a local educational agency submit its plan to the State for approval together with the modifications and comments from the local panel regarding such plan. The Senate bill only requires participation of the broad-based panel in the development of the application and plan. The LEA is allowed to make modifications it deems appropriate. (see side by side 161) The Senate recedes. (p. 165, #187)

Monitoring: The House bill requires that the panel monitor the effectiveness of the local plan; the Senate bill has the LEA monitor its plan's progress to inform the panel of progress. In both bills, the panel may make recommendations to the LEA for revisions, and report to the public. The House recedes. (p. 165, #188)

Monitoring: In the Senate bill, the LEA must make assurances that the plan does not result in significant increase in paperwork for teachers. The House recedes. (p. 165, #188)

Monitoring: The House bill, but not the Senate bill, includes community members in the list of people to be consulted. The Senate recedes. (p. 165, #189)

Authorized Activities: The Senate bill, but not the House bill, allows local districts to use a portion of their planning money to establish innovative new public schools. The House recedes, with an amendment charging replacing "shall" with "may" after "the subgrant" and before "use". (p. 166, #190)

Authorized Activities: The House bill, but not the Senate bill, includes the phrase "which are tailored to meet the needs of their particular student populations". The Senate recedes, with an amendment to include "State content and performance standards" at the end of the provision. (p. 167, #191)

Authorized Activities: The House bill, but not the Senate bill, requires that a local educational agency use not more than 5 percent of its annual allotment under this Act for administrative expenses. The Senate recedes. (p. 167, #192)

Authorized Activities: The House bill, but not the Senate bill, requires the State educational agency to give priority to awarding subgrants to consortia of local educational agencies or to a local educational agency that makes assurances that funds will be used to assist a consortium of schools that has developed a plan for school improvement. The Senate recedes, with an amendment to replace "priority" with "special consideration". (p. 168, #193)

Subgrants for preservice teacher education and professional development activities

In General: Both bills require SEA to make peer reviewed subgrants for professional development to consortia, but the Senate would also allow a single LEA to receive such a grant. The Senate recedes, with an amendment so that it reads: "(1)(A) Each State educational agency shall make subgrants to a local educational agency or a consortium of LEAs, in cooperation with institutions of higher education, nonprofit organizations, or any combination thereof". The Senate recedes, with an amendment replacing "consortia of local educational agencies," with "a local educational agency or a consortium of local educational agencies, in cooperation with". (p. 168, #194)

In General: The House bill lists "private nonprofit organizations" among the groups of which consortia are developed; the Senate bill lists "nonprofit education organizations". The Senate recedes, with an amendment to strike "private". (p. 168, no #)

In General: The Senate bill adds reheated services personnel education programs. The House recedes, with an amendment that inserts "and related services personnel working with educators" in subsection (ii) after "professional development activities for educators". (p. 168, #194a)

In General: The House bill requires that—(1) a consortium that applies for a preservice grant must include at least one local educational agency and at least one institution of higher education; (2) a consortium that applies for an inservice grant must include at least one local educational agency. The Senate bill requires that a consortium that applies for either kind of grant must include at least one local educational agency. Note: The Senate bill, unlike the House bill, also allows individual LEAs to receive grants on their own. Also, there are drafting differences ("to apply for" vs. "to be eligible to receive"). The House recedes. (p. 169, #197)

In General: The Senate bill requires that State educational agencies give a priority to awarding subgrants to a local educational agency or consortium that serves a greater number of percentage of disadvantaged students than the statewide average or a consortium that has a demonstrated record of working with schools, including consortia that prepare and screen teacher interns in professional development school sites, that focus on upgrading teachers knowledge of content areas or target teachers of students with limited English proficiency or students with disabilities. The House recedes, with an amendment striking item (b)(ii) and replacing it with the following (ii) a local educational agency or consortium that forms partnerships with collegiate educators to establish professional development sites; and (iii) a local educational agency or consortium that—(I) focuses on upgrading teachers' knowledge of content areas; or (II) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities. (p. 169, #198)

In General: Throughout this application section, the House bill refers to "a consortium"; the Senate bill refers to "a local educational agency or a consortium". The Senate adds related services personnel. The House recedes, with an amendment starting the provision with "A local educational agency in cooperation with or a consortium in cooperation with". (p. 170, no#)

In General: The House bill, but not the Senate bill, allows subgrant funds to be used for costs related to release time for teachers to participate in professional development activities. The Senate recedes. (p. 172, #199)

In General: The House bill allows inclusion of related services personnel in professional development activities, as appropriate; the Senate bill requires that related services personnel be included in professional development activities under paragraph (B). The Senate recedes. (p. 172, no #)

In General: The House bill, but not the Senate bill, requires State educational agencies to place a priority on awarding subgrants to local educational agencies that form partnerships with collegiate educators to establish professional development schools. This provision is similar to Senate provision in (b)(1)(B) iii p. 169 & 170. The House recedes, with an amendment striking item (b)(ii) and replacing it with the following: (ii) a local educational agency or consortium that forms partnerships with collegiate educators to establish professional development sites; and (iii) a local educational agency or consortium that—(I) focuses on upgrading teachers' knowledge of content areas; or (II) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities. (p. 172, #200)

SPECIAL AWARD RULES

In General: The House bill requires that 50 percent of subgrant funds be made to local educational agencies that have a greater percentage or number of disadvantaged students than the statewide average; the Senate bill requires that 65 percent of subgrants funds be awarded to those local educational agencies. The Senate recedes. It is the intent of the conferees for states to ensure that school districts serving numbers or concentrations of low-income students higher than the state average receive a share of local grant funds that is at least proportionate to their share of the total student population in the state. Too often, competitive grant programs end up serving those schools with political connections or the best grant writing team, rather than the schools that have the greatest need for improvement. This provision is intended to ensure that states provide the kind of support and assistance that is necessary so that all districts can develop quality innovative school reform proposals. This fifty-percent provision is intended as a floor, not a ceiling. (p. 173, #201)

AVAILABILITY OF INFORMATION AND TRAINING

Availability: The House bill, but not the Senate bill, provides for a waiver of the private school participation language if a State or local educational agency is either prohibited from providing for the equitable participation of private school teachers and administrators, or if the SEA or LEA has failed to provide or is unwilling to provide for their participation. In these cases, the Secretary shall arrange for training consistent with State goals and standards. Waivers are subject to section 1017 in ESEA. The Senate recedes. (p. 175, #202)

WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

Waiver authority

In General: The Senate bill, but not the House bill, requires local educational agencies seeking a waiver to provide parents, community groups, and advocacy or civil rights groups with an opportunity to comment on the proposed waiver. The House recedes. (p. 177, #204)

Application: The House bill allows an LEA not receiving assistance under this Act but is undertaking school reform efforts that meet the state plan's objectives to request a waiver. The Senate bill has a similar provision, but says "a state approved reform plan." The Senate recedes, with an amendment including schools. (p. 177, #205)

Application: The House bill includes a requirement that the Secretary state the expected outcome from the granting of the waiver request and requires that the State identify the numbers and types of students to be impacted, a timetable for implementing the waiver, and a process for monitoring implementation. The Senate recedes. (p. 177, #206)

Application: The Senate bill has the SEA submit LEA or school requests that it has approved to the Secretary. The House recedes. (p. 177, #207)

Application: The Senate bill, but not the House bill, also allows any state with a state reform plan to request waivers. The Senate recedes. (p. 177, #208)

Duration

Duration: The House bill, but not the Senate bill, requires the Secretary's decision to be printed in the Federal Register and disseminated by the State educational agency. (p. 178, #209)

In General: The House bill requires the waivers to be for a period not to exceed 3 years; the Senate bill requires the waivers to be for a period not to exceed 5 years. The Senate recedes, with an amendment establishing the period not to exceed 4 years. (p. 179, #210)

Waivers Not Authorized: In the list of waivers not authorized, the House version has "or" between the first four and the fifth while the Senate version has "and". Leg. Counsel: It is the understanding of both bills that none of the requirements listed may be waived. (p. 180, #211)

Waivers Not Authorized: The Senate bill, but not the House bill, does not allow waivers unless the underlying purposes of the statutory requirements continue to be met to the satisfaction of the Secretary. The House recedes. (p. 180, #212)

Results-Oriented Accountability: The Senate bill specifies that when the Secretary makes the determination that performance justifies an extension of a waiver, that determination should be based on achieving the outcomes described in the application. The House recedes, with an amendment striking "Results-Oriented" in the title and replacing "outcomes" with "desired results". (p. 181a, #213)

Flexibility Demonstration: The Senate bill contains a flexibility demonstration pilot for up to 6 states. In this pilot, the Secretary would delegate to states the authority to grant waivers for the same programs as in (b) included programs. The House recedes, with amendments replacing "any" with "one or more" so that the Secretary can allow States to waive one or more federal regulations, replacing "shall" with "may" so that the Secretary may carry out an educational flexibility program; and change "State" to "State educational agency" throughout the provisions outlining the program. (p. 181aa, #214)

PROGRESS REPORTS

State Reports to the Secretary: The House bill adds "and increasing student learning," to local goals and plans. The Senate recedes. (p. 181e, #215)

Secretary's Report to Congress: The Senate bill includes reporting requirements on the waivers, including recommendations to Congress on which statutes impede reform and should be changed. The House recedes. (p. 182, #216a)

TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY

Technical Assistance: The Senate bill includes a provision for technical assistance regarding school finance equity. This provision would provide help to states that request it on models and methods for equalizing resources within a state. The House recedes. (p. 182b, #217)

NATIONAL LEADERSHIP

Technical Assistance and Integration of Standards: The House bill requires the Secretary to carry out the national leadership activities through OERI; the Senate bill allows the Secretary to carry out some of the national leadership activities, and requires the Secretary to do others. The House recedes, with an amendment stating that any of these activities that are research-based shall be administered by the Office on Educational Research and Improvement. (p. 183, #218)

Required by the House:

(1) technical assistance to SEAs and LEAs on school planning (optional in Senate)

(2) grants to tribal agencies (optional in Senate)

(3) support for demonstration projects that unite LEAs and outside collaborators

The House recedes. (p. 183, #219)

Data and Dissemination: Both the House and Senate require dissemination on systemic improvement although the emphasis is different. Senate requires dissemination through existing systems in Department of Education. The House recedes, with an amendment adding "and how it affects student learning" after "evaluate systemic education improvement". (p. 183, #220)

Data and Dissemination: The Senate bill, but not the House bill, allows the Secretary to support model projects to integrate multiple content standards. The House recedes. (p. 185, #221)

Innovative Programs; Assessment; Evaluation: Both bills have provisions regarding grants and assistance the Secretary shall provide to urban and rural areas. The differences between the provisions are as follows:

(1) In the House bill, the grants and assistance are intended to assist urban and rural LEAs in developing and implementing local school improvement plans. In the Senate bill, the grants and assistance are for innovative and experimental programs in systemic education reform that are not being undertaken through grants under section 309(a) [Subgrants to LEAs]. Note: The House bill says that grants must be made "consistent with the provisions of section 209(a)". The Senate recedes, with the amendment that local educational agencies getting money under this provision cannot get money under section 309(a). (p. 185, 1st #222)

(2) In the House bill, grants and assistance may go to LEAs; the Senate bill says LEAs, schools, or consortia thereof. The House recedes, with an amendment to remove schools from the Senate provision. (p. 185, 2nd #222)

(3) Both bills say that grants and assistance must go to urban and rural LEAs (or, in the Senate bill, consortia, as described in

note 2 above). The House bill says that the LEAs must have large numbers or concentrations of poor children or LEP children. The Senate bill says that the Secretary must give special consideration or priority to LEAs (or schools or consortia) that serve large numbers or concentrations or poor children, including LEP children. The Senate recedes. (p. 185, 3rd #222)

(4) The House bill reserves "at least 50%" of the national leadership funds for this subsection; the Senate bill reserves "not more than 50%" of the national leadership funds. Note: In the Senate bill, these reserved funds may also be used to provide grants and contracts for assessment development (see page 84a of side-by-side) The Senate recedes. (p. 185, 4th #222)

Innovative Programs; Assessment; Evaluation: The House bill, but not the Senate bill, requires the Secretary to use not less than $1,000,000 of the funds reserved for national leadership activities to survey coordinated services programs that have been found to be successful in helping students and families and in improving student outcomes. The Secretary is also required to disseminate information about such programs to schools that plan to develop coordinate service programs. The Senate recedes, with an amendment to replace "survey" with "replicate". (p. 186, #223)

ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR

Outlying Areas

In General: The House bill requires that funds reserved under section 304(a)(1)(A) for the outlying areas be distributed among such areas by the Secretary according to the relative need; the Senate bill requires that funds reserved under section 304(a)(1)(A) shall be made available to, and expended by the outlying areas under such conditions and in such manner as the Secretary determines will best meet the purposes of this title. The Senate recedes. (p. 186, #223a)

Secretary of the Interior

Secretary: Both the House bill and the Senate bill have similar provisions regarding the use of funds reserved to the Secretary of the Interior, but the House bill includes a series of detailed provisions regarding Bureau of Indian Affairs programs funded under this title. The Senate recedes (p. 187, #224)

Secretary: The House bill, but not the Senate bill, contains minimum assurances that must be contained in the agreement between the Secretary and the Secretary of the Interior. The Senate recedes. (p. 187, #224a)

Voluntary Submission: The House bill, but not the Senate bill, requires that the provisions regarding State submission of standards and assessment systems to NESIC apply to the Bureau. The Senates recedes. (p. 189, #224b)

Plan Specifics: The House bill, but not the Senate bill, contains specific provisions that must be included in the reform and improvement plans. The Senate recedes. (p. 189, #224c)

Panel: The House bill, but not the Senate bill, requires the Secretary of the Interior to establish a panel to develop the plan for system-wide reform and improvement (the House bill delineates the membership of that panel). The Senate recedes. (p. 189, #224d)

BIA COST ANALYSIS

In General: The House bill, but not the Senate bill, requires the Secretary of the Interior to reserve an amount not to exceed $500,000 for the National Academy of Science, to do an analysis of the costs associated with meeting the academic and home-living residential standards of the Bureau of Indian Affairs. The Senate recedes. (p. 194, #224e)

CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS

Clarification: The Senate bill, but not the House bill, clarifies that standards, assessments, and systems of assessments described in the State improvement plan do not have to be certified by NESIC. The House recedes, with an assessment replacing ", assessments, and systems of assessments" with "State assessments". (p. 196, #225)

STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM

Purpose: The Senate bill, but not the House bill, includes a $10,000,000 program for States to plan effectively to improve student learning through the use of technology in all schools in the State. The House recedes, with an amendment to change the program to a $5 million authorization for 1994. (p. 197, #226)

PROGRAM AUTHORIZED

Authority: The Senate bill, but not the House bill, allows a State to submit, as part of its application under section 305, a request for a grant to develop a systemic statewide plan to increase the use of state-of-art technology in schools. The House receded. (p. 197, #226a)

Formula: The Senate bill, but not the House bill, would provide each State making a request for a grant an amount determined in the same basis as amounts are determined under subsections (b) and (c) of section 304, except that each State shall receive 1½ percent of the amount appropriated for this program or $75,000, whichever is greater. The House recedes, with an amendment establishing the State minimum at $75,000. (p. 198, #226b)

Duration: The Senate bill, but not the House bill, provides for the duration of a grant under this section to be for 2 years. The Senate recedes. (p. 198, #226c)

Plan Objectives: The Senate bill, but not the House bill, contains a listing of plan objectives that each systemic statewide plan must have. The House recedes. (p. 198, #226d)

Plan Requirements: The Senate bill, but not the House bill, contains minimum requirements that must be included in each systemic statewide plan. The House recedes, with an amendment including an additional requirement that shall read as follows: "(15) describe how the SEA will facilitate collaboration between the State Literacy Resource Centers (20 USC 1208aa), LEAs, and adult and family literacy providers, to ensure that technology can be used by adult and family literacy programs during after school hours.". (p. 199, #226e)

Reports: The Senate bill, but not the House bill, requires State educational agencies receiving grants under this section to submit a report to the Secretary within 1 year of the date that an agency submits its systemic statewide plan to the Secretary. The House recedes. (p. 202, #226f)

Reports: The Senate bill, but not the House bill, contains requirements regarding what should be included in the State reports. The House recedes. (p. 202, #226g)

Authorization of Appropriations: The Senate bill, but not the House bill, authorizes $10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995 to carry out this section. The House recedes, with an amendment changing the authorization to $5 million. (p. 203, #226h)

MISCELLANEOUS

Khalid Abdul Mohammed: The Senate bill includes a sense of the Senate provision condemning the speech made by Khalid Abdul Mohammed at Kean College on November 29, 1993. The Senate recedes. (p. 204b, #226i)

The Senate amendment contains three provisions relating to voluntary prayer or mediation in public schools. Section 405 provided for the cut-off of all federal education funds to state or local educational agencies that have a policy that prevents constitutionally protected prayer in public schools. Section 418 provided that federal education funds shall not be denied to state or local educational agencies because they have adopted a constitutional policy relative to prayer in public schools. Section 406 expressed the sense of the Senate that schools should encourage a period of daily silence. The House bill contained no provision. The House recedes with an amendment providing that funds authorized to be appropriated by the Act may not be used by state or local educational agencies to adopt policies that prevent voluntary prayer and meditation in public schools.

Students do not shed their right to religious liberty at the schoolhouse gate, just as they do not lose other constitutional rights. In addition, private reflection is valuable in permitting children to draw strength from their personal values and beliefs so that they are prepared to learn and grow. Children would do well to take time each day to consider what they hope to accomplish and how their actions will affect themselves and others around them.

This section promotes these important values by providing that funds made available under this Act may not be used to adopt policies designed to prevent students from engaging in constitutionally protected prayer or silent reflection. The conferees do not intend that this section confer new legal rights. Instead, the section respects our long tradition of local control over educational decisions, while ensuring that funds made available under this Act are not spent preventing the exercise of cherished constitutional rights.

Funding for the Individuals with Disabilities Education Act: The Senate bill includes a provision expressing the sense of the Senate that the Federal government should fully fund IDEA, through the reallocation on funds within the current budget monetary constraints. The House recedes, with an amendment specifying the expenditure would originate from the reallocation of noneducational funds. (p. 204d, #226m)

National Board for Professional Teaching Standards: The Senate bill includes a provision regarding the National Board for Professional Teaching Standards. The House recedes. (p. 204e, #226n)

Forgiveness of Certain Overpayments: The Senate bill includes a provision (Sec. 405) correcting a Department of Education error in Chapter One allocations to Colfax County, New Mexico. The House recedes. (p. 204f, #226o)

Study of Goals 2000 and Students with Disabilities: The Senate bill includes a provision of requiring the Secretary of Education to make arrangements with the National Academy of Sciences to conduct a study of the inclusion of children with disabilities in Goals 200 school reform activities. The House recedes, with an amendment stating that funding come from funds available to the Secretary for research related to individuals with disabilities, the Secretary shall make available, and to give the option to make arrangements with the National Academy of Sciences or the National Academy of Education. (p. 204g, #226p)

Mentoring, Peer Counseling and Peer Tutoring: The Senate bill includes a provision expressing the sense of the Congress that federal education programs should include authorizations for mentoring, peer counseling, and peer tutoring programs. The Senate recedes. (p. 204j, #226q)

Content and Performance Standards: The Senate bill includes a provision expressing the Sense of the Senate regarding the importance of high academic standards in state reform plans. The Senate recedes. (p. 204k, #226r)

State-Sponsored Higher Education Trust Fund Savings Plan: The Senate bill includes a provision expressing the Sense of the Senate that Federal tax laws should not preclude States from promoting higher education savings plans. The Senate recedes. (p. 204l, #226s)

Amendments to Summer Youth Employment and Training Program: The Senate bill includes a provision amending the Summer Youth Employment and Training Program. The House recedes. (p. 204m, #226t)

Protection of Pupils: The Senate bill includes a provision which amends Section 439 of the General Education Provisions Act regarding students' right to privacy. The House recedes. It is the intent of the conferees that the language in Section 439, part a, referring to "any applicable program" applies to programs funded in whole or in part by the Department of Education. It is not intended to cover, nor does it cover, programs funded through other Departments or Agencies of the Federal government. It is also the intent of the conferees that full discretion is left to the local school district in deciding how to comply with the law. There are other federal education laws that require that certain notice be given to parents (FERPA) for example), and a school has discretion to determine their methodology. (p. 204o, #226u)

Contraceptive Devices: The Senate bill includes a provision instructing the Departments of Education and Health and Human Services to ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors encourage, to the extent practical, family participation in such programs. The House recedes. It is the intent of the conferees to make clear that, while family involvement is to be encouraged, to the extent practical, in federally funded programs which provide for the distribution of contraceptive devices to emancipated minors, nothing shall be construed to mandate parental consent or parental notification in accessing or utilizing these services. (p. 204r, #226v)

DEFINITIONS

Definitions: The House bill defines the terms "all student and all children" in the same definition and uses the term "students" throughout the definition; the Senate bill separates the definitions of the terms "all children" and "all students", but uses the same definition for both, and also uses the term "children" and the term "all students" in the appropriate definitions. The House bill, but not the Senate bill, includes American Indians, Alaska Natives, Native Hawaiians, and migrant children. The House bill refers to "school-aged children who have dropped out"; the Senate bill refers to "students who have dropped out of school". The Senate recedes, with the amendment that eliminates one of the two references to "migrant children" and replaces every instance of "students" or "children" with "students and children". (p. 239, #227)

Definitions: The House bill defines the term "assessment system" to mean at least 1 test, and may include other measures of student performance, for a specific purpose and use which are intended to evaluate the progress of all students in the State toward learning the material in State content standards in 1 or more subject areas; the Senate bill defines the term "assessment" to mean the overall process and instrument used to measure student attainment of content standards, except that such term need not include the discrete items that comprise each assessment. The House recedes, with an amendment changing the term to "State assessment" and defining the term as "means measures of student performance which includes at least one instrument of evaluation, and may include other measures of student performance, for a specific purpose and use which are intended to evaluate the progress of all students in the State toward learning the material in State content standards in one or more subject areas;" (p. 240, #228)

Definitions: The House bill, but not the Senate bill, defines the terms "community", "public", and "advocacy group," all in one definition. The Senate recedes. (p. 240, no #)

Definitions: The House bill includes the definitions of the terms "local educational agency" and "State educational agency" within the same definition and defines them as they are defined in section 1471 of ESEA; the Senate bill has separate definitions of the terms "local educational agency" and "State educational agency", and defines local educational agency to have the same meaning as under section 1471 (12) of ESEA except that the term may include a public school council if such council is mandated by State law, and defines State educational agency as having the same meaning as under section 1471 (23) of ESEA. The Senate recedes. (p. 241, #229)

Definitions: The House bill defines "opportunity to learn standards" as the criteria for, and the basis of assessing the sufficiency or quality of the resources, practices, and conditions necessary at each level of the education system (schools, local educational agencies, and States) to provide all students with an opportunity to learn the material in national or State content standards; the Senate bill defines opportunity to learn as the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met. The Senate recedes to the House definition of OTL standards, with the understanding that there be no definition in the act of the term "opportunity to learn strategies." The conferees chose not to include a definition of the term "opportunity to learn strategies" in order to acknowledge that the nature of such strategies will vary from state to state.

Definitions: The Senate bill, but not the House bill, includes the Freely Associated States in the definition of outlying areas. The House recedes. (p. 242, #231)

Definitions: The House bill refers to "school", but has a later provision specify that only public schools should receive assistance under title III; the Senate bill refers to "public school". The House recedes. (p. 242. #231a)

Definitions: The House bill, but not the Senate bill, includes the proviso of "except as otherwise provided" in its definition of "State", and includes the outlying areas in that definition. The Senate recedes. (p. 242, #232)

LIMITATIONS

Assessments: The House bill, but not the Senate bill, prohibits funds provided under titles II or III to be used to undertake assessments that will be used for high stakes purposes for a period of five years from the date of enactment of this Act. The conference agreement preserves the five-year restriction on high stakes uses for title II assessments, but it modifies the title III restriction to say that assessments developed with Title III funds may be used for high stakes decisions only if students have been prepared in the content for which they are being assessed.

ASSESSMENT OF EDUCATIONAL PROGRESS ACTIVITIES

Assessment: The House bill, but not the Senate bill, includes an amendment to the Carl D. Perkins Vocational and Applied Technology Act to allow a State educational agency to use items and data from NAEP for the purpose of evaluating a course of study related to vocational education. The Senate recedes.

COMPLIANCE WITH BUY AMERICAN ACT

Compliance: The House bill, but not the Senate bill, requires that no funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act. The Senate recedes, with an amendment making the provision a Sense of the Congress provision.

SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

Purchase of American-Made Equipment and Products: The House bill, but not the Senate bill, includes a sense of the Congress that funds provided under this Act, when used for purchasing products, should purchase American made equipment and products, and requires the head of each Federal agency providing such assistance to notify each recipient of this statement. The Senate recedes.

PROHIBITION OF CONTRACTS

Prohibition: The House bill, but not the Senate bill, requires that if a court of law determines that person intentionally affixed a "Made in America" inscription on a foreign-made product, then that person shall be ineligible to receive funds under this Act. The Senate recedes, with an amendment making the provision a Sense of the Congress provision.

PARENTAL INFORMATION RESOURCE CENTERS

The House bill, but not the Senate amendment, includes a provision called Parental Information and Resource Centers. It authorizes the Secretary to make annual grants to nonprofit organizations to provide training and information to parents of children aged birth to 5 years, and children enrolled in participating schools, to individuals who work with such parents. The grants should be distributed geographically throughout the United States, include funds to establish, expand, and operate Parents as Teachers programs.

The Senate amendment, but not the House bill, includes a provision authorizing the Parents As Teachers Program.

The Senate amendment, but not the House bill, includes a section amending ESEA to allow 20% of a State's Even Start funds to be used to fund the Home Instruction Program for Preschool Youngsters (HIPPY).

On these three provisions, the Senate recedes, with an amendment including funding for Parents as Teachers and HIPPY programs in a modified provision called Parental Assistance.

ENVIRONMENTAL TOBACCO SMOKE

The Senate amendment includes Title XII regarding Environmental Tobacco Smoke, which provides that within 180 days after enactment the Administrator of the Environmental Protection Agency (EPA) would issue guidelines for instituting and enforcing a non-smoking policy at each indoor facility where children's services are provided. The term "children" is defined to mean persons who have not attained the age of 18. Children's services include health services and other direct services routinely provided to children, including educational services that are funded, directly or indirectly, by federal funds. The policy would, at a minimum, prohibit smoking in each portion of an indoor facility where such services are provided that is not ventilated separately from other portions of the facility. The title would provide for technical assistance and civil penalties.

The House has no comparable provision.

The conference agreement adopts the Senate title with some revisions aimed at making the specified prohibitions self-executing. The agreement deleted from the Senate bill provisions mandating guidelines. The objective is to make it unnecessary to issue either guidelines or regulations. Indeed, the agreement does not include any provision authorizing guidelines or regulation. The conferees understand that in the context of enforcement, the Secretary of Health and Human Services may need to develop guidelines. Presumably, that would be a public process. The revisions provide for enforcement by the Secretary of Health and Human Services.

An "indoor facility" is defined as an enclosed building.

The conference agreement prohibits smoking within any indoor facility, or portion thereof, owned or leased or contracted for and utilized by the children's service provider to provide health, day care, or Head Start services to children or for the use of the employees of such provider. Where the health or day care or Head Start service is provided in a building that also has other uses, such as for law offices, retail establishments, or even for the making of steel or the building of cars, the prohibitions would not apply to those portions of the facility. However, any portion of the facility is covered to the extent it is routinely or regularly used by employees of the service provider.

The prohibitions apply for enforcement purposes to the person who provides the children's services. Any enforcement action would be against that person. The conferees intend that the official who controls the operation of the facility would be responsible for complying with the prohibitions.

The conference agreement does not apply to health programs for which Title 18 or 19 of the Social Security Act are the sole sources of funding. However, programs such as Community or Migrant Health Centers which receive funds under the Public Health Services Act as well as Title 19 of the Social Security Act are covered by this agreement.

The conference agreement provides that the provision by federal agencies of routine or regular kindergarten, elementary, or secondary education or library services within the United States is to be governed by the facility-wide prohibition in the first sentence of section 1204(c), while the provision of such services by federal agencies outside the United States is to be governed by the prohibition in the second sentence of section 1204(c).

One test of covered children's services is that they are provided by the service provider in an indoor facility whose services are funded, after the effective date of the title, with federal grant, loan, loan guarantee, or contract monies, either directly or through a state or local government, from either the Secretary of Education or the Secretary of Health and Human Services or from, in the case of clinics under the Child Nutrition Act of 1966, the Secretary of Agriculture. In the latter case, the conferees specifically referred to section 17 of the Child Nutrition Act and the Code of Federal Regulations to make it clear that it covers clinics and it does not include any food establishments (that are not clinics) where vouchers under that Act are redeemed. The second test is that the service provider provides the services in an indoor facility that is operated, constructed, or maintained with such funds provided after the effective date of the title from such Secretaries. Where these tests are met and the services identified above are provided to children, the applicable provisions apply.

In order to give the widest possible notice, the revisions provide that the prohibitions must be published by the Secretary of Health and Human Services in the *Federal Register*. Ninety days after publication, they will be effective. The Secretary is to consult with all the affected agencies. The conferees afford the Secretary up to 270 days to do this ministerial act. They intend that the Secretary act early in this period in order to provide the full 90-day lead time. If the Secretary delays, the prohibitions are automatically effective at the end of 270 days.

Enforcement is by either civil penalty or administrative compliance order, or both. The amendment spells out the procedures.

GUN-FREE SCHOOLS

The Senate amendment, but not the House bill, contains provisions amending the Elementary and Secondary Education Act requiring local educational agencies to adopt a policy to expel for at least one year students found to have brought a gun to school. The policy may authorize the superintendent to modify the expulsion on a case-by-case basis.

The House recedes. It is the intent of the conferees that local educational agencies adopt their own policies regarding the legitimate and illegitimate possession of guns by students on public school property based on the particular circumstances of the district and its public schools. The expulsion required under the amendment should be considered a minimum sanction for the violation of that particular school district's policy regarding gun possession and is not meant to be the only alternative for the treatment of a violator. Further, the amendment should be interpreted as applying to expulsion from the regular school program. It would not preclude the student violator's attendance in alternative educational programs or receipt of educational services outside the regular school program during the period of the expulsion.

MIDNIGHT BASKETBALL

The Senate bill includes a provision authorizing the establishment of a Midnight Basketball program in the Department of Housing and Urban Development. The House bill includes no such provision. The House recedes.

YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

The Senate bill includes a provision regarding Youth Violence in Schools and Communities. The House bill includes no such provision. The Senate recedes. However, it is the intent of the conferees to request that the Secretary of Education and the Attorney General jointly undertake a study of the scope of disciplinary measures available under State and Federal law to school districts and schools for dealing with violent behavior on school premises, and the types and sources of information, concerning, among other things, prior convictions and pending arrests for violent offenses, that schools and school districts should have access to in order to minimize violent behavior on school premises. The study shall identify any changes in law necessary to provide schools and school districts with necessary information.

GENERAL PROVISIONS REGARDING THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

The House bill, but not the Senate bill, includes in its title "development, dissemination and excellence" along with "research".

The Senate recedes with an amendment to incorporate "improvement" into the title to read, "Educational Research, Development, Dissemination and Improvement.

The table of contents reflect differences of the bills.

The table will be redrawn to reflect the final bill.

The House bill, but not the Senate bill, lists findings.

The Senate recedes with editorial and clarifying changes to the text and adds "minorities" to the list of youths identified as educational research targets.

The Senate bill, but not the House bill removes OERI from the General Education Provisions Act.

The House recedes.

The House and Senate bills contain similar language contained in "policy/mission" of House bill and "purpose" of Senate bill.

The Senate recedes with an amendment to define the mission of the Office as one of expanding knowledge about education, promoting excellence and equity, promoting the use of research and monitoring the state of education.

Both bills authorize the Office to carry out the stated purposes. The Senate bill provides greater detail on the types of activities authorized. The House bill states that OERI will be guided by the priorities established by the Board.

The House recedes with an amendment to require that the Office be guided by a long-range plan which is developed by the Assistant Secretary, working collaboratively with the Board, and approved by the Board. It is the intent of the conferees that should there be disagreement between the Assistant Secretary and the Board during the development of the long-range plan on discrete items, final disposition of such items shall rest with the Assistant Secretary during the development process.

The Senate bill describes the functions of the Assistant Secretary as follows: provides for broad involvement in the planning of OERI activities, free from partisan influence; provides for standards for research; provides for a long-term agenda developed in consultation with the Board; provides information and technical assistance to States; and includes teacher advisory boards for all programs. The House has comparable provisions elsewhere in the bill.

The House recedes with an amendment to require the Assistant Secretary to develop a long-range plan, working collaboratively with the Board, which must subsequently be approved by the Board.

The House and Senate bills contain similar provisions concerning the administrative structure of the Office.

The conference substitute conforms the section to the final bill.

The House bill, but not the Senate bill, requires that certain research areas of the Institutes receive priority within OERI.

The House recedes.

Both bills contain similar provisions concerning the appointment of employees, with the added provisions in the House bill concerning public notice of vacancies and of opportunities to compete for such positions; and the requirement that such employees provide expertise that is not otherwise available among permanent employees.

The Senate recedes with an amendment requiring a public notice of vacancies of 30 days.

The House bill, but not the Senate bill, provides that the Assistant Secretary may publish reports without prior clearance once quality assurances have been met.

The Senate recedes.

Both bills require biennial reports be submitted to the Congress on the activities of the Office, the House bill by December 30th, the Senate bill by January 15th. The House bill spells out in more detail than the Senate bill what the report shall contain.

The Senate recedes with a conforming change.

The House bill provides for the coordination of education research within the Department and among the federal agencies. The bill requires the Assistant Secretary to compile and update an inventory of all federal education research. The Senate bill requires the Assistant Secretary to coordinate research activities within the Department of Education.

The Senate recedes with an amended first paragraph on coordination as follows, "With the advice and assistance of the Board, the Assistant Secretary shall work cooperatively with the Secretary and the other Assistant Secretaries of the Department to establish and maintain an ongoing program of activities designed to improve the coordination of education, research, development, and dissemination activities within the Department and within the Federal government . . ." The Secretary's report on federal research and development activities is amended to strike the word "all".

Both bills require that awards be made with the principles of peer review, in the House bill for awards above $100,000 and in the Senate bill for all awards, except for where it would be "clearly inappropriate". The House bill requires further that the Assistant Secretary establish standards for the evaluation of research and standards for the review panels.

The Senate recedes on the following sections of the contents of standards specified in the House bill: section (A) relating to a system of peer review, subsection (B)(iii) relating to a description of general procedures to be used in peer reviews, subsections (i) and (ii) of (C) concerning specific procedures to be used in evaluations, subsection (D)(i) and subsection (E)(i), concerning evaluations of performance.

The Senate bill requires that the Assistant Secretary develop standards. The House bill requires the same, but requires further that the proposed standards for evaluating research be published for comment and then be submitted to the Board for approval. The Senate bill requires that all awards be made through an open competition and peer review.

The conference substitute amends the section to merge all language in both bills.

The House and Senate bills have similar provisions concerning the Assistant Secretary's role on public involvement, long-range plans and research that is free from partisan influence. The House bill requires further that the Assistant Secretary be guided by the Research Priorities Plan and requires the Assistant Secretary to report by sex in the collection of data.

The conference substitute amends the section to merge all language in both bills.

The Senate bill, but not the House bill, requires an independent evaluation of the activities of OERI.

The House recedes with clarifying changes and an amendment which requires the Assistant Secretary to report the results of the evaluation within four years of enactment.

DEFINITIONS

The House bill but not the Senate bill defines "at-risk" student.

The Senate recedes with an amendment to include "race" among the categories and to drop from the definition the phrase, "greater potential for dropping out of school", and insert instead, "reduced academic expectations." The conferees specifically included students "who because of . . . race . . . face a greater risk of low educational achievement or *reduced academic expectations* (emphasis added)" in the definition of at-risk student. It is the intent of the conferees that the Institute on At-Risk Students examine the causes and methods to improve, low identification and service of gifted and talented minorities.

Both bills have Boards, but the House bill includes in its definition "policy" and the Senate bill includes "advisory".

The Senate recedes.

Both bills have similar definitions for "research", but the Senate bill adds "applying tested knowledge gain to specific settings".

The House recedes.

Both bills contain similar definitions for "development."

The Senate recedes.

Both bills contain similar definitions for "technical assistance."

The House recedes.

Both bills contain similar definitions for "dissemination" with the addition of technical assistance and the provision of comparative evaluations under the House bill.

The House recedes with an amendment to incorporate the idea that dissemination includes the provision of technical assistance.

The House bill, but not the Senate bill, includes a definition for "national education dissemination system".

The Senate recedes.

The House bill, but not the Senate bill, includes a definition for "national research institute".

The Senate recedes.

The House bill, but not the Senate bill, includes a definition of the United States and State.

The Senate recedes with an amendment to include the Virgin Islands and the outlying territories. We intend that the labs should continue to serve the outlying territories beginning in fiscal year 1996.

The Senate bill, but not the House bill includes a definition for the term "field-initiated research."

The House recedes.

APPROPRIATIONS

The House bill authorizes appropriations from fiscal year 1994 through fiscal year 1998 and the Senate bill makes the authorization from fiscal year 1995 through fiscal year 1995.

The House recedes.

	House	Senate
Institute/Directorates	Fiscal year 1994, $37m (at-risk)	
	Fiscal year 1995, $100m total	$100m total
	Minimum amount	
	House above $70m	Senate at or below $70m
$20m (at-risk)	10%	10%
$20m (assessment)	30%	25%
$20m (governance)	10%	5%
$20m (early child)	10%	10%
$20m (lifelong)	10%	5%
	Maximum amount	
Crosscut	10%	10%
Office of Dissemination	Fiscal year 1994, $22m	
	Fiscal year 1995 such sums	$5m
	ERIC ($7.175m)	$10m
Regional labs	Fiscal year 1994, $37m	
	Fiscal year 1995, "such sums"	$41m
Teacher research dissemination	Fiscal year 1994, $30m	
	Fiscal year 1995 "such sums"	$10m

The conference substitute provides $68 million prior to implementation of the Institutes in fiscal year 1995. It combines the Student Assessment and At-Risk Institutes into a single line item funded in Fiscal Year 1996 at $60 million with the requirement that each of the Institutes receives 50% of the funds appropriated in any year. The substitute provides for separate authorizations of appropriations for the remaining three Institutes beginning in fiscal year 1996, with $15 million for the Early Childhood Institute, $10 million for the Institute on Governance and $15 million for the Institute on Lifelong Learning. The substitute allows the Assistant Secretary to use up to 10% of funds appropriated for the combined Institutes for synthesis and coordination, provided that no single Institute shall have more than one-third of its funds used for this purpose. The substitute incorporates the House proposal for the Office of Dissemination and the Senate proposal for the regional laboratories and $20 million for the Teacher Research Dissemination program, from which .2% may be used for peer review.

The House bill, but not the Senate bill, authorizes $30 million for Community Partnerships.

The Senate recedes.

The Senate bill, but not the House bill, authorizes $10 million for fiscal year 1995 for National Diffusion State Facilitators.

The Senate recedes.

The Senate bill, but not the House bill, authorizes $10 million for fiscal year 1995 for the National Education Library. House bill assumes expenses to be covered under Salaries and Expenses of the Department.

The Senate recedes.

The House bill, but not the Senate bill, makes available 2% of appropriations for institutes/dissemination or $1 million (whichever is less) available for Board.

The Senate recedes with an amendment to allow funds to be used for expenses of the Board and consensus building activities by the Assistant Secretary.

The House bill requires that 95% of the funds from the amounts provided to the Institutes and to the programs under the Office of Dissemination be made available through grants or contracts. The Senate bill applies the same provision to only those funds available through the Directorates.

The Senate recedes.

The House bill, but not the Senate bill, makes appropriations for fiscal year 1995 and beyond contingent on appointment of Board.

The Senate recedes with an amendment to change the effective date to fiscal year 1996.

The House bill, but not the Senate bill, authorizes a grant of $5 million for fiscal year 1995 for a State-by-State poll.

The Senate recedes with a clarifying change and amendment to allow the grant for "any" fiscal year.

The Senate bill, but not the House bill, authorizes the Office to act for all agencies when more than one federal agency supports a single project.

The House recedes.

Both bills have language to require that existing contracts for the regional labs and grants for the research centers fulfill the time for which they were granted. The Senate bill also adds a funding mechanism to carry out the provision.

The House recedes with a clarifying change.

The Senate bill, but not the House bill, sets forth provisions regarding the continuation of legal documents, proceedings, suits and actions.

The Senate recedes.

The House bill, but not the Senate bill, specifies required qualifications for the position of Assistant Secretary.

The Senate recedes with an amendment to include "practitioners" and to modify a phrase to give "due consideration to the recommendations from the Board."

The Senate bill, but not the House bill, provides for funding of field readers.

The House recedes.

NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

The House bill establishes a Board within the Office to develop priorities for guiding the work of the Office; to review the standards for the conduct and evaluation of research; to oversee the implementation of its recommended priorities. The House bill requires further that the Board establish a long-range research priorities plan and provide biennial evaluative summaries of the research and development activities carried out by the federal government during the proceeding two years. The Senate bill establishes an advisory board. The bill requires the Board to provide oversight of the Office, and requires the Board to report recommendations for improvement to the Nation.

The Senate recedes to clauses (b) (1) and (2) of the House bill with an amendment to strike, "acting through the Assistant Secretary", and to change the function of the Board to "approve" rather than "determine" the long-range plan. The House recedes on all provisions in the Senate bill, requiring that they be moved to the section concerning the duties of the Assistant Secretary.

The House bill requires the Assistant Secretary, every two years, to publish the proposed research priorities of the Office for comment and to submit the proposed priorities and comments to the Congress. The Senate bill requires the Secretary to submit a 6-year research priorities plan to the Congress, along with a progress report, every two years for meeting that plan.

The conference substitute merges all aspects of each bill.

The Senate bill, but not the House bill, requires the Assistant Secretary to publish the proposed research agenda of the directorates and allow for public comment every two years.

The House recedes.

The House bill, but not the Senate bill, requires the Board to make recommendations for the position of the Assistant Secretary and for the positions of directors of Institutes. It also requires the Board to approve standards for the conduct and evaluation of research.

The Senate recedes.

The House bill requires the Board to appoint standing subcommittees for each institute. The Senate bill gives the Board authority to establish committees.

The Senate recedes with an amendment to make the establishment of subcommittees permissive.

The House bill, but not the Senate bill, makes certain requirements on the composition of subcommittees.

The House recedes.

The House bill, but not the Senate bill, gives the Board the authority to hire staff. It establishes rates of pay. It provides the Board such powers as the authority to review grants and contracts made by the Office, to enter into contracts, to convene workshops. The Senate bill gives the Assistant Secretary the authority to hire staff which the Board can assign.

The Senate recedes with an amendment to authorize the Board to appoint an executive director and require that additional staff be provided by the Office.

Both bills require consideration be given to gender and race in the selection of Board members. The Senate bill also requires the consideration of classroom teachers.

The Senate recedes.

Both bills impose certain limitations on Board members. The House bill also includes language prohibiting "conflict of interest."

The conference substitute merges all provisions.

Both bills establish minimum qualifications for membership on the Board.

The conference substitute merges all provisions.

The House bill establishes an 18-member Board. The Senate bill establishes a 9-member Board.

The conference substitute provides for a 15 member Board.

The House bill specifies that the composition of the Board shall include researchers nominated by the National Academy of Sciences and the National Academy of Education and 7 other categories of people. The Senate bill requires the Secretary to consider nominations from a wide variety.

The conference substitute establishes three categories from which 5 nominees each shall be selected. The categories are (1) school practitioners, (2) nominees made by the National Academy of Sciences, and (3) other individuals knowledgeable about education.

The House bill, but not the Senate bill, defines the conditions under which nominations may be considered from the National Academy of Sciences/Education.

The Senate recedes with a clarifying amendment.

The House bill, but not the Senate bill, requires the Secretary to solicit and to consider recommendations for Board membership from specified organizations.

The Senate recedes with a technical change.

The House bill, but not the Senate bill, lists additional nonvoting members from Federal agencies who may serve on the Board.

The Senate recedes.

Both bills select the chair in the same manner. The House bill provides the chair a two-year renewable term.

The House recedes with an amendment to keep the two-year renewable term.

The House bill gives Board members 5-year terms, renewable for another 5 years followed by a break of the same length before serving again. The Senate bill applies the same conditions to its 6-year terms.

The House recedes.

The House bill, but not the Senate bill, specifies the Board shall meet by a date certain, followed by quarterly meetings. A quorum is constituted in same fashion under both bills.

The Senate recedes with an amendment to strike the initial meeting date.

The House bill, but not the Senate bill, requires that the Board comply with the Sunshine Act.

The Senate recedes.

NATIONAL RESEARCH INSTITUTES

The House bill establishes 5 Institutes; the Senate bill establishes 5 Directorates.

The Senate recedes with an amendment to insert the conference agreements on the titles of each Institute. A technical change is also made to conform to the bill.

Both bills require that the Assistant Secretary appoint a Director for each Institute. The House bill requires additionally that nominations from the Board be considered.

The Senate recedes.

The House bill, but not the Senate bill, limits each director to a renewable 3-year term.

The House recedes.

Both bills make directors report directly to the Assistant Secretary and charges them to work with each other.

The conference substitute merges these provisions. The managers of the conference wish to note that the Committee believes that the directors of the Institutes and the Office of Dissemination in the Office of Educational Research and Improvement should be in the Senior Executive Service. It is important that OERI be advised by persons selected by virtue of their professional qualifications and expertise in research, practice, dissemination, and statistics.

Both bills authorize the same types of activities, but the House bill adds "regional laboratories" and the Senate adds "consortia". The House bill provides this authority to the Assistant Secretary. The Senate bill provides the authority to the directorates.

The conference substitute merges both bills.

The House bill requires funding of at least $2 million per year for R&D centers. They must be funded for at least 6, but not more than 10, years. The Senate bill requires that the directorates reserve at least ⅓ of their funds for R&D centers, funded at a minimum of $1.1 million per year. They must be funded for at least 5 years, renewable for another 5.

The conference substitute requires a minimum of $1.5 million per center with a funding cycle of 5 years renewable for an additional 5 years.

The Senate bill, but not the House bill, makes provisions concerning the eligibility of existing R&D centers to receive grants.

The House recedes.

The House bill, but not the Senate bill, authorizes public-private partnerships funded up to 50% with federal funds. It also authorizes funds for other solicited and unsolicited proposals and for dissertation grants.

The Senate recedes with an amendment to strike the public-private partnerships.

Both bills authorize grants for fellowships. The House bill gives meritorious 3-year fellowships to individuals traditionally underrepresented in research. The bill requires a level of funding comparable to those offered by the NSF.

The conference substitute merges both bills making them permissive authorities.

The House bill, but not the Senate bill, requires a balance between applied and basic research in the institutes.

The Senate recedes.

The House bill requires a minimum of 15%, the Senate bill requires 33⅓%, be reserved by the Institutes/Directorates for field-initiated studies.

The conference substitute requires a minimum of 20% be reserved in fiscal years 1996 through 1997, and that 25% be reserved in fiscal years 1998, and 1999.

The Senate bill, but not the House bill, authorizes directorates to conduct research on schools funded by the Bureau of Indian Affairs.

The House recedes with a conforming change.

The Senate bill, but not the House bill, requires directorates to conduct basic and applied research in all levels of education in the core subjects.

The House recedes with clarifying changes.

The Senate bill, but not the House bill, requires the directorates to serve as a database on model programs in the public and private sector.

The Senate recedes with an amendment placing this function within the Office of Reform Assistance and Dissemination.

The Senate bill, but not the House bill, requires the directorates to disseminate their research to the classroom.

The Senate recedes.

The House bill promotes cross-cutting issues, the Senate bill promotes synthesis, of work of the institutes/directorates. The House bill requires the cross-cutting issues be consistent with research priorities of the Board and the areas selected by the Assistant Secretary. The Senate bill requires synthesis be developed across the directorates in all levels of education. The House authorizes cross-cutting to also include collaboration with entities other than the institutes.

The conference substitute merge all provisions.

The House bill, but not the Senate bill requires that procedures regarding public notice, peer review and evaluation standards be followed before a grant or contract may be made.

The Senate recedes.

Both bills specify similar criteria to be used for the review of research centers. The Senate bill specifies how research will be disseminated. Both bills differ on the amount of time required of the director of the research center to be spent on center activities—with the House bill requiring "adequate time" and the Senate bill requiring "full-time."

The conference substitute requires that center directors and support staff devote a majority of their time to center activities.

The House bill, but not the Senate bill, requires the Assistant Secretary to submit any grant or contract proposal in excess of $500,000 to the Board for comment before being issued.

The Senate recedes.

The House bill, but not the Senate bill, requires the Assistant Secretary to maintain initiatives to increase the participation of historically underrepresented groups in research.

The Senate recedes.

The House bill, but not the Senate bill, gives the Assistant Secretary the authority to use outside experts, to use services and equipment made available through other public entities and to accept unconditional gifts.

The Senate recedes with an amendment striking "gift" authority.

The House bill, but not the Senate bill, sets forth findings for each of the institutes.

The Senate recedes with clarifying and editorial changes.

Both bills provide overlapping areas of research in the At-Risk Institute, but the House bill adds (1) research on how parents and communities can help students achieve (2) research on culturally sensitive assessments and research on gender equity; the Senate bill adds (1) research on effective institutional practices and (2) research on students with disabilities.

The House recedes to Senate provision (1), (3), (4), (7) and (8) and the Senate recedes to House provisions (A)(i), (ii), (iv), (v), (vi), and (b).

Both bills provide overlapping areas of research in the National Institute for Innovation in Educational Governance, Finance, Policy-making and Management. The House bill, but not the Senate bill includes research on: choice, financial incentives for achievement, expanded role for teachers, increased involvement of parents, increased representation of women and minorities, coordinated services, school to work. The Senate bill includes research on: inner workings of schooling, policy decisions at all levels, amount of dollars spent on classroom instruction, use of technology and adult education needs.

The conference substitute merges the two bills and includes "public school choice."

The House bill, but not the Senate bill, requires research on educational leadership.

The House recedes.

The House, but not the Senate bill requires research on educational choice.

The House recedes with a provision making research on public school choice permissive.

Both bills describe the similar authorized activities of the National Institute for Early Childhood Development and Education. The House bill authorizes research on learning within families with a special emphasis on character development. The Senate bill references research on instruction that considers differing cultural experiences of children.

The conference substitute merges the provisions.

The House bill, but not the Senate bill, requires that the Early Childhood Institute place an emphasis on research of at-risk children, girls and children with disabilities. It also requires that the research be aimed at improving other federal programs for young children.

The Senate recedes with an amendment striking the required emphasis.

Both bills describe similar activities to be conducted under the National Institute on Curriculum, Assessment, and Student Achievement. The Senate bill, but not the House bill, also includes research on standards of what students should know. The House bill describes in greater detail than the Senate bill, research on testing and requires that the research comply with the Standards for Educational and Psychological Tests.

The Senate recedes with an amendment striking the standards of assessment requirement and the definition of development.

The House and Senate bill describe similar activities to be conducted under the National Institute for Postsecondary Education, Libraries, and Lifelong Learning. The House bill requires collaboration with many other federal entities. The House bill is more descriptive than the Senate bill and includes in its description of areas of research, research of effective models in corrective settings and models in libraries. It requires that research be conducted on the effectiveness of various postsecondary education institutions in serving undeserved populations. The Senate bill enumerates 5 areas in which research shall occur.

The conference substitute merges the House and Senate provisions.

The House bill, but not the Senate bill, requires the Assistant Secretary to coordinate a research program on teacher education.

The Senate recedes with modification.

The House bill, but not the Senate bill, requires the Assistant Secretary to coordinate a research program on technology in education.

The House recedes.

The House bill, but not the Senate bill, requires OERI to be reorganized into administrative units which parallel the institute structure.

The House recedes.

The House bill, but not the Senate bill, requires that all 5 institutes be established by October 1994.

The Senate recedes, changing the date to 1995.

NATIONAL EDUCATION DISSEMINATION SYSTEM

The House bill, but not the Senate bill, includes a "findings", "purpose" and "definition of educational program" for its Office of Dissemination.

The Senate recedes with technical changes.

Both bills establish an office of dissemination and reform within OERI. The Senate bill requires that the office be headed by a director with experience in dissemination.

The conference substitute incorporates the requirement that the office include programs or activities which are enumerated in the Senate bill under (1) and in the House bill under "Additional Duties".

Both bills require that specific duties be performed within the dissemination office. The House bill requires the Office to identify programs for dissemination and to assist programs in their assessment. It also requires assistance for the implementation of promising programs and requires research on models for dissemination. The Senate bill requires the Office to establish a depository for Department of Education products, to coordinate all OERI dissemination functions, to help link schools with labs, and to report to the Assistant Secretary on the products or services most frequently requested.

The conference substitute merges all provisions.

The House bill, but not the Senate bill, establishes a program for identifying, designating, and disseminating successful educational programs for dissemination.

The Senate recedes with technical changes.

The House bill, but not the Senate bill, requires the Assistant Secretary to keep entities apprised of dissemination programs and to make assistance available when needed.

The House recedes.

Both bills establish ERIC with similar intent, but differing language. The Senate adds the requirement that the Assistant Secretary develop a coherent policy for abstractions from literature. The House bill allows the clearinghouses to produce a variety of written formats to update its users on education research.

The House recedes on (1) with an amendment to incorporate "16 educational resource information clearinghouses" and on paragraph (2)(A). The Senate recedes on (2).

The House bill, but not the Senate bill, requires the Assistant Secretary to coordinate the activities of listed entities involved with dissemination.

The Senate recedes.

The House bill, but not the Senate bill, requires the Assistant Secretary to perform various functions to help ensure the information stored for dissemination is comprehensive.

The Senate recedes.

The House bill, but not the Senate bill, prohibits matter stored in or retrieved from the Clearinghouse from being copyrighted.

The Senate recedes.

The House bill, but not the Senate bill, authorizes the Assistant Secretary to award grants and contracts to conduct dissemination activities using technology. Smartline is among those activities authorized.

The Senate recedes with an amendment changing the term "smartline" to "electronic networking" in order to be more descriptive of the activities authorized.

The Senate bill, but not the House bill, authorizes NDN state facilitators to provide information on model or demonstration projects without program effectiveness panel approval.

The Senate recedes.

Both bills establish regional educational labs, but the Senate bill renames them. The House bill requires the Assistant Secretary to award funds through contracts.

The conference substitute takes the title of the Senate bill, with the House provisions regarding contracts, modifying the language to reflect the agreement to allow up to 12 labs.

The Senate bill, but not the House bill, expands the number of labs from 10 to not more than 20.

The conference substitute allows up to 12 labs with the following conditions: (1) creation of new labs if at all, should take place in fiscal year 1996 as part of the recompetition of all labs; (2) provide a 60-day public comment period regarding where new regions should be formed; (3) in order for a new region to be formed, must be letters of support for new configuration from the Chief State Schools Officers and the State Boards of Education that would comprise a new region; (4) minimum of four contiguous states to form a new region, excluding those entities outside the continental United States; (5) the amount of assistance allocated to each laboratory shall reflect the total number of children within the region served by such laboratory, as well as the cost of providing services within the region. Section 941(h) requires that the existing laboratory regions be maintained except under the circumstances and conditions set forth in the legislation. These existing regions are: (i) Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, Vermont, Virgin Islands; (ii) Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania; (iii) Kentucky, Tennessee, Virginia, West Virginia; (iv) Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina; (v) Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin; (vi) Arkansas, Louisiana, New Mexico, Oklahoma, Texas; (vii) Colorado, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming; (viii) Arizona, California, Nevada, Utah; (ix) Alaska, Idaho, Montana, Oregon, Washington; (x) American Samoa, Guam, Hawaii, the Northern Mariana Islands, and Palau.

The Senate bill changes the definition of lab. The House bill codifies the regulatory definition of a lab.

The House recedes with clarification.

The Senate bill, but not the House bill, allows the Assistant Secretary to support a new regional lab once appropriations reach $40 million, to be funded at a minimum of $2 million and it describes the procedure for forming a new region.

The conference substitute requires a trigger year to be fiscal year 1996 with $2 million above the amount provided in that year.

Both bills describe many overlapping required duties. The Senate bill also emphasizes the labs' role of disseminating products to help students reach challenging standards. The House bill emphasizes using labs for assisting schools with systemic improvements and requires labs to provide support and technical assistance to the NDN state facilitators.

The House recedes with an amendment to insert "implementing broad-based, systemic school improvement strategies."

Both bills require labs to form networks among themselves, with the House bill more descriptive. The House bill requires the governing Board to establish the network.

The Senate recedes.

Both bills have similar language concerning the coordination of the labs with the Institutes/Directorates. The House bill requires attention to rural schools and educators.

The Senate recedes.

Both bills require the establishment of a governing board. The Senate bill adds the requirement that boards include teachers and education researchers.

The conference substitute merges all provisions.

The House bill requires the work of the labs to be determined by its governing board. The Senate bill requires the work of the lab to be determined by statute and by the board in consultation with the Secretary. In addition, the Senate bill holds the governing board accountable for the quality of work performed.

The conference substitute merges all provisions with a redraft of the Senate bill's first paragraph to read as follows, "subject to the requirements of this section, engage in an on-going dialogue with the Assistant Secretary concerning its goals, activities and priorities."

The House bill, but not the Senate bill, requires the board to comply with standards of the House bill.

The Senate recedes.

Both bills require coordination with other entities, but the Senate bill focuses that coordination exclusively on Technical Assistance Centers.

The Senate recedes.

The House bill, but not the Senate bill, requires competitions for lab contracts to be announced in several publications.

The Senate recedes.

Both bills require evaluations of the work of labs. The Senate requires them every 3 years. The House requires them periodically, and requires that the review be done by an independent entity.

The House recedes.

Both bills make similar requirements concerning an application by an entity desiring to become a lab.

The Senate recedes.

Both bills make similar requirements concerning the ability of labs to be eligible to receive other assistance from the Office. The Senate bill would also allow labs to become involved in international projects or endeavors.

The House recedes.

The Senate bill, but not the House bill, authorizes the Assistant Secretary to enter into agreements with labs to use their funds for additional purposes.

The House recedes.

The Senate bill, but not the House bill, requires labs to submit a plan for the Assistant Secretary's approval. The Senate bill requires that the expiration of labs' contracts coincide with the reauthorization cycle.

The House recedes with an amendment to strike the provision concerning the expiration of labs contracts and to place the provision in statement of managers language.

The Senate bill, but not the House bill, provides that nothing in the bill shall be construed to modify existing contracts for the labs.

The House recedes.

The House bill, but not the Senate bill, authorizes Goals 2000 partnerships.

The Senate recedes.

Both bills have a teacher research dissemination program with differing title and identical findings.

The House recedes.

The House bill requires a contract for the teacher research dissemination program be given to regional labs in partnership with another entity. The Senate bill allows the Assistant Secretary to provide funds through grants, contracts or cooperative agreements, and makes a variety of institutions eligible.

The House recedes.

The House bill requires the Assistant Secretary to correlate the amount of funding for each teacher dissemination contract with the number of schools, students, etc. served. Contracts are for 3 years. The Senate bill requires the Secretary to give priority to entities which have received federal funds for research and dissemination.

The House recedes.

Both bills describe some overlapping activities of the teacher dissemination program which may be funded along with other areas unique to each bill. For example, the House bill authorizes the teacher dissemination program to train teachers in applied research, to offer sabbaticals, to train teachers in change management.

The Senate recedes with an amendment to include Senate language in the House provisions.

The House bill makes certain requirements of those who have participated in the teacher dissemination program. No comparable Senate provision.

The House recedes.

Both bills use different language for the similar purpose concerning applications to receive assistance.

The House recedes.

Both bills contain overlapping requirements for applications. The House requires, the Senate allows, participants to be offered stipends. The House requires that following participation of a teacher, funds be provided to his school districts for an additional 2 years for program continuity.

The House recedes.

The House bill, but not the Senate bill, describes selection procedures for teacher participants.

The House recedes.

Both bills require an evaluation of the teacher dissemination program, within 3 years and by an independent evaluator in the House bill, within 5 years and through a report in the Senate bill.

The Senate recedes with an amendment to change the number of years to "four."

The House bill, but not the Senate bill, allows the Assistant Secretary to reserve up to $250,000 for evaluations of the program.

The House recedes.

The Senate bill, but not the House bill, provides for coordination of activities of this program with those of the programs of the Elementary and Secondary Education Act.

The House recedes.

THE NATIONAL LIBRARY OF EDUCATION

Both bills establish a National Education Library, within OERI by the House bill, within the Department of Education by the Senate bill.

The House recedes.

The Senate bill, but not the House bill, gives an in-depth description of the library with a mission statement.

The House recedes.

Both bills list overlapping functions of the library. The House bill requires the library to establish an information and referral service on federal programs accessible through a toll-free number; it requires the library to provide comprehensive reference services; and it requires the library to foster cooperative arrangements with other libraries.

The conference substitute merges all provisions.

The House bill requires the Library to be headed by an executive director, trained in library science, to serve for renewable 5-year terms. The Senate bill requires a librarian to be selected after the Secretary solicits nominations, with no fixed term.

The Senate recedes with an amendment to strike the House provision authorizing the administrator of the Library to serve for a renewable term of 5 years.

The House bill, but not the Senate bill, requires the Assistant Secretary to appoint a task force to develop a plan for implementing the Library.

The Senate recedes.

The House bill, but not the Senate bill, requires that certain functions within the Department of Education be transferred to the Library.

The Senate recedes.

The House bill, but not the Senate bill, requires a policy be developed governing the Library's collections.

The Senate recedes.

The House bill, but not the Senate bill, requires cataloging and preservation activities.

The Senate recedes.

ADDITIONAL PROGRAMS

The Senate bill, but not the House bill, authorizes the "international education program" to study effective practices in other countries and to provide for educational exchanges. The authorization of appropriations for the combined activities is $11 million for fiscal year 1995 and "such sums" for fiscal year 1996 through fiscal year 1999.

The House recedes with an amendment striking in section 921(c)(1)(A) "The Secretary shall carry out" and inserting in lieu thereof "The Secretary, with the concurrence of the Director of the United States Information Agency and with the foreign policy guidance of the Secretary of State, shall carry out".

The committee of conference notes that the U.S. Government has already begun extensive education and exchange programs with the independent states of the former Soviet Union and Central and Eastern Europe. These programs are conducted under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, the FREEDOM Support Act, and the SEED Act. The committee of conference expects that the program of international educational exchange authorized under this section will be consistent with and not duplicate, and be carried out under the same authorities and guidelines, of the ongoing programs in the region. In carrying out the purposes of this section, the committee of conference expects the Secretary of Education, the Secretary of State, and the Director of the United States Information Agency to work closely to ensure efficient uses of resources for international education programs for the NIS and Central and Eastern Europe.

In order to monitor the coordination and implementation of programs authorized under this section, the committee of conference expects the Secretary of Education, the Secretary of State, and the Director of the United States Information Agency to submit to the Committees on Foreign Affairs and on Education and

Labor of the House and the Committees of Foreign Relations and on Labor and Human Resources of the Senate periodic reports on activities and programs conducted under this section.

The Senate bill, but not the House bill, amends the Perkins Vocational and Applied Technology Act to add higher education data to that which the National Occupational Information Coordinating Committee currently collects.

The House recedes.

The Senate bill, but not the House bill, amends the Elementary and Secondary Education Act to authorize a formula driven program to State Educational Agencies to provide state and local educational agencies with funds to provide science equipment in elementary schools. $10m is authorized to be appropriated in fiscal year 1995, with such sums from fiscal year 1996 through fiscal year 1997.

The Senate recedes.

The Senate bill, but not the House bill, authorizes the Secretary of Education to enter into a contract for television-based projects to help improve literacy among elementary school children. $5m is authorized to be appropriated in fiscal year 1995, with such sums in fiscal year 1996 through fiscal year 1997.

The Senate recedes.

The Senate bill, but not the House bill, amends the Star Schools Assistance Act to change the amount reserved from any appropriations for a study of the Star Schools to the "lesser" of, rather than the "greater" of 5% or $500,000.

The House recedes.

The Senate bill, but not the House bill, amends the ESEA to remove the Office of Comprehensive School Health Education from the Secretary's Office and place it in the Office of the Assistant Secretary of Elementary and Secondary Education and to authorize the Office to act as liaison to HHS for the purpose of coordinating school health activities.

The House recedes.

The Senate bill, but not the House bill, authorizes a competitive grant program, "the minority-focused civics education program" to be administered by the Dept. of Education. $5m is authorized to be appropriated in fiscal year 1995 with "such sums" for fiscal year 1996 through fiscal year 1998.

The House recedes.

The Senate bill, but not the House bill, authorizes a new program, "Parents As Teachers" to assist families with children aged zero through three, funded at $20 million in fiscal year 1993, with "such sums" in fiscal year 1994 through fiscal year 1997.

The Senate recedes.

The Senate bill, but not the House bill, amends the Elementary and Secondary Education Act to authorize a State which receives a grant under section 1052 to reserve 20% of its funds to establish a Home Instruction Program for Preschool Youngsters.

The Senate recedes.

The Senate bill, but not the House bill, provides that under this Act the definitions for the following terms shall be the same as those under current law: "elementary school", "institution of higher education", "local educational agency", "Elementary and

Secondary Education Act", "secondary school", "Secretary" and "State educational agency".

The House recedes.

TITLE VII—THE SAFE SCHOOLS ACT

1. The Senate included the Safe Schools Act as part of Goals 2000; the House bill is drafted as a freestanding provision. The conference agreement makes the Safe Schools provision Title VII of Goals 2000: Educate America Act.

2. The Senate amendment provides for 2-year grants; the House bill provides for 1-year grants. The conference agreement provides for 2-year grants.

3. The House bill directs the Secretary to develop a written safe schools model. The Senate recedes with an amendment moving this project to the National Leadership activity section.

4. The House bill provides a 1-year $50 million authorization. The Senate provides a 2-year authorization—$75 million in the first year, $100 million in the second. The Senate recedes.

5. The Senate sets aside 10% of funds for national leadership activities with 50% of that designated for a Model City Project. The House sets aside 5%. The conference agreement provides for a set aside of 5% of funds for national leadership activities with one-half of the 5% designated for a model city project.

6. The Senate provides a funding priority for districts that qualify for Chapter 1 concentration grants, that demonstrate local commitment to the project, and incorporate a high level of youth participation in related activities. The conference agreement provides for funds to be distributed to programs that demonstrate a local commitment to the project and that incorporate a high level of youth participation.

7. The House bill includes a requirement for the development of educational materials in the second most predominate language of the schools and communities. The conference agreement provides that materials be developed in the second most predominate language "other than English".

8. The Senate requires that Safe Schools activities be coordinated with Goals 2000 activities; the House requires that Safe Schools activities be coordinated with all federal education funds. The Senate recedes.

9. The House bill includes additional application requirements: description of how Safe Schools activities will be integrated with Drug-free Schools activities; description of coordination with other federal violence prevention activities; (Senate provides for Secretary to coordinate in separate section.) Description of parental participation efforts. The Senate recedes.

10. The Senate includes a requirement that LEAs' applying for grants have a policy prohibiting sexual contact between school personnel and students. The Senate recedes.

11. The Senate requires the submission of a long-term school safety plan in the second year of the grant. The House recedes.

12. The House use of funds is permissive; the Senate requires funds to be used in specific areas. The House recedes.

13. The House includes additional areas for coordination. The Senate recedes.

14. Throughout the bill, the House uses the term, "combat," to describe general activities and the Senate uses the terms, "address," "reduce," and "prevent." The House recedes.

15. The Senate amendment, but not the House bill, includes training as a use of funds. The House recedes.

16. The House bill, but not the Senate amendment, includes activities to promote parental involvement as a use of funds. The Senate recedes.

17. The Senate rewords the paragraph on community education programs and includes technology-based programs. The House recedes.

18. The House bill, but not the Senate amendment, includes coordination with juvenile justice programs. The Senate recedes.

19. The House bill, but not the Senate amendment, includes the development of materials. The Senate recedes.

20. The House bill, but not the Senate amendment, includes mentoring and community service programs. The Senate recedes.

21. The Senate includes several other use of funds: minor remodelling, metal detectors, reimbursement of law enforcement. The conference agreement deletes "remodelling" and adding language specifying that assistance for these measures is only available through the United States Department of Education if it is not available in other departments.

22. The Senate limits spending on security-related measures to 10%. The conference agreement provides for security-related measures to be funded at no more than 5%.

23. The Senate bill includes dissemination as a leadership activity; the House includes the production and distribution of video-based projects. The conference agreement combines the two activities together.

24. The Senate amendment, but not the House bill, provides that the National Center on Educational Statistics to collect data on school violence. The House recedes.

25. The House requires a report to Congress. The conference agreement provides for the report to be sent to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources.

26. The Senate includes language providing for coordination with other federal efforts. The House recedes with an amendment replacing "Attorney General, through" and the "Secretary of Education, as a member of".

27. The Senate amendment, but not the House bill, includes an effective date. The House recedes.

From the Committee on Education and Labor, for consideration of the House amendment (except title II) to the Senate amendment, and the Senate amendment (except secs. 901–14), and modifications committed to conference:

WILLIAM D. FORD,
DALE E. KILDEE,
GEORGE MILLER,
TOM SAWYER,
MAJOR R. OWENS,
JOLENE UNSOELD,
JACK REED,
TIM ROEMER,
PATSY MINK,
ELIOT L. ENGEL,
XAVIER BECERRA,
GENE GREEN,
LYNN C. WOOLSEY,
KARAN ENGLISH,
TED STRICKLAND,
DONALD M. PAYNE,
CARLOS ROMERO-BARCELÓ,
BILL GOODLING,
STEVE GUNDERSON,
SUSAN MOLINARI

From the Committee on Education and Labor, for consideration of title II of the House amendment to the Senate amendment, and secs. 901–14 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
MAJOR R. OWENS,
DONALD M. PAYNE,
ROBERT C. SCOTT,
TOM SAWYER,
BILL GOODLING,
CASS BALLENGER,
BILL BARRETT,
HARRIS W. FAWELL,

As additional conferees from the Committee on Energy and Commerce, for consideration of title XII of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
MIKE SYNAR,
CARLOS J. MOORHEAD,
THOMAS J. BLILEY, Jr.,

As additional conferees from the Committee on Foreign Affairs, for consideration of sec. 921 of the Senate amendment, and modifications committed to conference:

Lee H. Hamilton,
Howard L. Berman,
Tom Lantos,
Ben Gilman,
Managers on the Part of the House.

Edward M. Kennedy,
Claiborne Pell,
Howard M. Metzenbaum,
Paul Simon,
Christopher Dodd,
Tom Harkin,
Barbara A. Mikulski,
Jeff Bingaman,
Paul Wellstone,
Harris Wofford,
Nancy Landon Kassebaum,
James M. Jeffords,
Dave Durenberger,
Managers on the Part of the Senate.